

Mr. JEFFORDS. Mr. President, I object to further consideration of this measure at this time.

The PRESIDING OFFICER. The measure will be placed on the calendar.

MEASURE PLACED ON THE CALENDAR—S. 508

Mr. JEFFORDS. Mr. President, another bill is at the desk due for its second reading. I ask it be read.

The PRESIDING OFFICER. The clerk will read.

The bill clerk read as follows:

A bill (S. 508) to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

Mr. JEFFORDS. Mr. President, I object to further consideration of this measure at this time.

The PRESIDING OFFICER. The measure will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, leadership time is reserved.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 280, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of S. 280, a bill to provide for education flexibility partnerships.

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. Under the previous order, there will be 3 hours 30 minutes under the control of the Senator from Minnesota, Mr. WELLSTONE, and 30 minutes under the control of the Senator from Vermont, Mr. JEFFORDS, or his designee.

Mr. JEFFORDS. Mr. President, I make a point of order a quorum is not present.

Mr. President, I ask unanimous consent that that time be charged to Senator WELLSTONE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Ben Highton and Elizabeth Kuoppala be allowed to be on the floor during the duration of the debate on Ed-Flex.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, let me, first of all, explain to my colleagues and for those in the country who are going to now be focusing on this bill, the Ed-Flex bill, why I started out yesterday speaking in opposition to this motion to proceed and why I will be taking several hours today to express my opposition to this piece of legislation. There are a number of different things I am going to cover, but at the very beginning I would like to spell out what I think is the fundamental flaw to this legislation, the Ed-Flex bill. Frankly, I think my colleagues, Democrats and Republicans, would have had an opportunity to carefully examine this legislation if we had a hearing, I mean a thorough hearing, or if we had waited to really examine in some detail and some depth what has happened in the different Ed-Flex States.

The General Accounting Office gives us a report in which they say it looks like some good work has been done, but we don't really have a full and complete understanding of what has happened in these Ed-Flex States. I think what this piece of legislation, called Ed-Flex—and I grant it is a great title, and I grant it is a winning political argument to say let's give the flexibility to the States and let's get the Federal Government out of this—but what this piece of legislation is essentially saying is that we, as a national community, we as a National Government, we as a Federal Government representing the people in our country, no longer are going to maintain our commitment to poor children in America. That is what this is all about.

What this piece of legislation essentially says to States and to school districts is: Look, when it comes to the core requirements of title I, core requirements that have to do with qualified teachers, that have to do with high standards for students, that have to do with students meeting those standards and there being a measurement and some result and some evaluation, these standards no longer necessarily will apply. What this legislation says is, when it comes to what the title I mission has been all about, for poor children in America—that is to say that we want to make sure that the money, first and foremost, goes to the neediest schools—that standard no longer will necessarily apply.

As a matter of fact, in 1994, one of the things that we did in the Elementary/Secondary Education Act reauthorization was we sought to concentrate title I funds by requiring districts to spend title I on schools with over 75 percent poverty-stricken students first. That restriction has had the desired effect. Only 79 percent of schools with over 75 percent poverty received title I funds in 1994. Today, over 95 percent of those schools receive it.

So, Mr. President—and I want to make it clear that I will have an amendment—one of the amendments that I will have to this piece of legislation, if we proceed with this legislation, is an amendment that says that the funding has to first go to schools that have a 75 percent or more low-income student population.

I cannot believe my colleagues are going to vote against that. If they want to, let them. But if they do, they will have proved my point—that we are now about to pass a piece of legislation or a good many Republicans and, I am sorry to say, Democrats may pass a piece of legislation that will no longer provide the kind of guarantee that in the allocation of title I funds for poor children that the neediest schools will get served first. I cannot believe that we are about to do that. I cannot believe this rush to recklessness. I cannot believe the way people have just jammed this bill on to the floor of the Senate. I cannot believe that there isn't more opposition from Democrats.

Mr. President, the second amendment that I am going to have, which I think will really speak to whether or not people are serious about flexibility with accountability, is an amendment which essentially says, look, here are the core requirements of title I.

The reason we passed title I as a part of the Elementary/Secondary Education Act back in 1965—that was almost 35 years ago—the reason we passed title I was we understood, as a nation, whether or not my colleagues want to admit to this or not, that in too many States poor children and their families who were not the big givers, who were not the heavy hitters, who do not make the big contributions were falling between the cracks.

So we said that, as a nation, we would make a commitment to making sure that there were certain core requirements that all States had to live up to to make sure that these children received some help. Thus, the core requirements of title I: Make sure they are qualified teachers; make sure low-income students are held to high standards; make sure there is a clear measurement of results.

Let me just read actually some of the provisions that would be tossed aside by Ed-Flex in its present form: the requirement that title I students be taught by a highly qualified professional staff; the requirement that States set high standards for all children; the requirement that States provide funding to lowest-income schools first; the requirement that States hold schools accountable for making substantial annual progress toward getting all students, particularly low-income and limited-English-proficient students, to meet high standards; the requirement that funded vocational programs provide broad education and work experience rather than narrow job training.

These are the core requirements. I will have an amendment that will say that every State and every school district receiving title I funding will be required to meet those requirements, will be called upon to meet those requirements.

Mr. President, right now this legislation throws all of those core requirements overboard. This legislation represents not a step forward for poor children in America; it represents a great leap backwards. This piece of legislation turns the clock back 35 years. It comes to the floor of the Senate without a full hearing in committee; it comes to the floor of the Senate without any opportunity to see any report with a thorough evaluation of what those Ed-Flex States have done; it comes to the floor of the Senate with the claim being made that Ed-Flex represents a huge step forward for education and for the education of poor children in America. It is absolutely ridiculous.

I will talk over the next couple of hours about what we could be doing and should be doing for children if we are real. This piece of legislation does not lead to any additional opportunities for low-income children. This piece of legislation does not dramatically increase the chances that they will do well in school. This piece of legislation does absolutely nothing by way of making sure that we have justice for poor children in America.

To the contrary, this piece of legislation does not call for—and I am pretty sure that it will not happen, although I will have legislation that will try to make it happen—for an additional expenditure of funds for title I programs. This piece of legislation does nothing for the schools in St. Paul and Minneapolis that have over 50 percent low-income students and still don't receive any money whatsoever because there isn't enough money and there aren't enough resources that are going to our school districts.

This piece of legislation does nothing to make sure children, when they come to kindergarten, are ready to learn, that they know how to spell their names, that they know the alphabet, that they know colors and shapes and sizes, that they have been read to widely, that they have been intellectually challenged. This piece of legislation does nothing to assure that will happen. This piece of legislation does not do anything to dramatically improve the quality of children's lives before they go to school and when they go home from school. And I want to talk about that as well.

I will tell you what this piece of legislation does. This piece of legislation says, we, as the U.S. Senate, are no longer going to worry about whether States and school districts live by the core requirements of title I. We are just going to give you the money and

say, Do what you want to do. What this piece of legislation says is we are no longer going to worry about whether or not States and school districts provide funding first to those schools with a 75 percent or more low-income student population, the neediest schools. We are just going to say, Do what you want. And this is being passed off as something positive for poor children in America?

Again, I will have two amendments—I will have a number of amendments, quite a few amendments—but two amendments that I think are going to be critical by way of sort of testing out whether or not we are talking about accountability or not: One, an amendment that says, again, the allocation of funding by States and school districts means that those schools that have 75 percent or more low-income students get first priority, and, second of all, an amendment that says, here are the core requirements of title I. This is what has made title I a successful program. And this is fenced off, and in no way, shape or form will any State or any school district be exempt from these core requirements.

Why would any State or school district in the United States of America not want to live up to the requirements that we have highly qualified teachers, that we hold the students to high standards, that we measure the results, and we report the results?

Mr. President, before talking more about title I, let me talk a little bit about context. And it is interesting. I am going to do this with some indignation. And I want to challenge my colleagues. I want to challenge my colleagues not in a hateful way, but I certainly want to challenge my colleagues.

We are a rich country. Our economy is humming along. We are at peak economic performance. But fully 35 million Americans are hungry or at risk of hunger. Every year, 26 million Americans, many of them children, go to food banks for sustenance.

Last year, the requests for emergency food assistance rose 16 percent. Many of those requests were unanswered. I would like for everyone to listen to this story. A Minnesota teacher asked his class, "How many of you ate breakfast this morning?" As he expected, only a few children raised their hands. So he continued, "How many of you skipped breakfast this morning because you don't like breakfast?"

Lots of hands went up. And how many of you skipped breakfast because you didn't have time for it? Many other hands went up. He was pretty sure by then why the remaining children hadn't eaten, but he didn't want to ask them about being poor, so he asked, How many of you skipped breakfast because your family doesn't usually eat breakfast? A few more hands were raised. Finally, he noticed a small

boy in the middle of the classroom whose hand had not gone up. Thinking the boy hadn't understood, he asked, And why didn't you eat breakfast this morning? The boy replied, his face serious, "It wasn't my turn."

Do you want to do something for children and education of poor children? Don't eliminate standards and accountability with title I. Make sure those children don't go hungry. The U.S. Senate, 2 years ago, put into effect a 20-percent cut in the Food Stamp Program, which is the single most important safety net nutritional program for children in America, and my colleagues have the nerve to come out here with something called Ed-Flex and make the claim that this is going to do all these great things for poor children in America.

Let me repeat it: We have entirely too many children that are not only poor but hungry in America. We put into effect 2 years ago a 20-percent cut which will take effect 2002 in food stamp assistance, which by all accounts is the single most important safety net program to make sure that children don't go hungry. I will have an amendment to restore that funding before this session is out.

Children don't do real well in school when they are hungry. They don't do real well in school when they haven't eaten breakfast. If we want to help those children, this is the kind of thing we ought to do to make sure that these low-income families have the resources so that they can at least put food on the table. I can't believe that in the United States of America today, as rich a country as we are, we can't at least do that.

Instead, we have something called Ed-Flex. For all of the families with all of the hungry children, for all of the children that are poor in America—a quarter of all children under the age of 3 are growing up poor in America; 50 percent of all children of color under the age of 3 are growing up poor in America—Ed-Flex doesn't mean anything. Ed-Flex means absolutely nothing.

The New York Times told the story of Anna Nunez and of hundreds of thousands of families like her. Up a narrow stairway, between a pawn shop and a Dominican restaurant, Anna Nunez and her three children live in a single, illegal room that suffocates their dreams of a future. It is a \$350-a-month rectangle with no sink and no toilet, that throbs at night with the restaurant's music. Ms. Nunez' teenagers, Kenny and Wanda, split a bunk bed, while she squeezes into a single bed with little Katrina, a pudgy 4-year-old with tight braids. Out of the door and down the linoleum-lined hallway is the tiny bathroom they share with five strangers.

Last winter, tuberculosis traveled from Kenny to his mother and younger sisters in a chain of infection as inevitable as their bickering. Inevitable,

too, is the fear of fire: Life in 120 square feet means the gas stove must stand perilously close to their beds. Kenny, at age 18, is a restless young man in a female household. Ask him what bothers him most, and he flatly states that he has the only way to get some privacy—"I close my eyes."

At night, Anna said, when the mice crawl over us in bed, it feels even more crowded.

What should we be doing on the floor of the U.S. Senate if we are really committed to children in America, and if we are committed to poor children in America? We would be making a dramatic investment in affordable housing, which is receiving crisis proportion. But these children and these families are not the ones who march on Washington every day.

We want to talk about what will help children in school. If we want to talk about family values, we ought to talk about making sure that these children don't live in rat-infested slum housing, but have some decent shelter. But we don't. Instead, we have Ed-Flex. Ed-Flex will do absolutely nothing for these children.

I have a close friend that many staffers know well and I think many Senators know well because of his brilliance and also because he is sort of a perfect example of someone who really lives such an honest life. He treats all of us, regardless of our political viewpoint, with such generosity—Bill Dauster. My friend, Bill Dauster, wrote something which I think applies to this debate:

We need to restore the family values that put our children first, for if we do not advance the interests of those who will inherit the future of our society, then we have no vision. And if we do not protect the most helpless of our society, then we have no heart. And if we do not support the most innocent of our society, then we have no soul.

I think he is absolutely right.

Mr. President, I will talk more about the concerns and circumstances in children's lives in a while, but I did want to give some context before returning to title I, and then I am going to develop my arguments about what we should be doing specifically in education.

I will say one more time that I find it very interesting that we have a piece of legislation on the floor that purports to be some major step forward for poor children. As a matter of fact, most of the Ed-Flex waiver requests have dealt with title I, which deals with poor children. That is why I am talking about poor children. At the same time, this is the U.S. Congress that not only has no positive agenda to make sure that poor children aren't hungry and therefore able to learn, doesn't have any positive agenda to make sure that poor children live in decent housing and therefore can come to school ready to learn, but actually has cut nutrition programs for children, and now brings a piece of leg-

islation out which, all in the name of flexibility, is supposed to do all of these great things for poor children.

Now, let me return to title I. Let me explain my indignation. My indignation about this particular bill goes further than what I have said. Not only does it represent a retreat on the part of the U.S. Senate from a commitment to poor children in America, not only does it represent a retreat from any basic accountability so that the core requirements of title I—I will repeat it one more time—that have to do with highly qualified teachers and high standards and those standards being met—no longer apply if a State or local school district doesn't choose to comply, not only does this piece of legislation abandon what we did in 1994 with positive effect, that is to say some assurance that the money would first go to the neediest schools. In addition to adding insult to injury—I don't even know why this bill is on the floor—to add insult to injury, this piece of legislation does absolutely nothing by way of, not even one word, calling for more funding.

I will tell you what people in Minnesota are telling me. I am assuming—but I am not so sure it has happened—I would like to believe that my colleagues who are in such a rush to pass this piece of legislation have spent a lot of time with principals and teachers and teacher assistants who are working with the title I program. I have to believe that. Well, if you have, I want to find out—when we get into debate, I would like for my colleagues to identify for me a specific statute in title I right now that is an impediment to reform. Tell me what exactly we are talking about.

I will tell you what I hear from people in Minnesota. They are not worried about flexibility. What they are worried about is, they don't have enough money. What we hear from those men and women who are working with poor children in the title I program is, "We don't have enough resources." That is what they are telling us. In that sense, this particular piece of legislation is a bit disingenuous. We talk about flexibility, that is the sort of slogan here, but we don't provide any additional resources.

Examples: St. Paul. I talked about some of this yesterday, but I think it is well worth presenting this data. There are 20 schools altogether—there are 60 K-through-12 public schools in St. Paul, MN. There are 20 schools in St. Paul with at least a 50 percent free and reduced lunch—that is the way we define low-income—that receive no title I funds at all—one-third of the schools.

Let's talk about urban schools. I would like to ask my colleagues, have you been in the urban schools? Did the principals and the teachers and the families in these urban schools—was the thing they were saying to you over

and over again, "We need to have Ed-Flexibility"? Or were they saying, "We need more resources to work with these children"? What were they saying to you? I will tell you what they were saying to me: "We don't have the resources." One-third of St. Paul's schools have significant poverty, a low-income student body, and receive no title I funds to eliminate the learning gap. At Humboldt Senior High School, on the west side of St. Paul, 68 percent of the students are low-income; no title I funding. I visited the school. I try to be in a school about every 2 weeks.

For those listening to the debate—and I am taking this time because I want to slow this up. I want people in the country, and journalists, people who cover this or who write and cover it—so people in the country will know what is going on. I can be put in parentheses and keep me out of it, but I want the people to know what is going on. I don't think legislation like this that has the potential of doing such harm to low-income children should zoom through the U.S. Senate.

As I say, at Humboldt Senior High 68 percent of the students are on free and reduced lunch; no title I. So the question is, How can that be? The answer is that in Minnesota, altogether, this year, we had \$96 million for title I programs. We can use double that amount of funding, triple that amount of funding. What happens is that after we allocate the money in St. Paul to the schools that have an even higher percentage of low-income students, there is no funding left. And we have Ed-Flex that is such a "great response" to the challenges facing these families and these children, which isn't even talking about providing more funding.

My prediction is that, come appropriations, don't count on it. Don't count on it. It won't happen, though some of us will fight like heck to try to make it happen.

Several middle schools receive no title I funding. Battle Creek Middle School has 77 percent low-income students and no title I funds.

By the way, I argue that I have often believed—since I have some time here today, I can go a little slower—I have often believed that the elementary school teachers just do God's work. I think it starts there. I was a college teacher, but I know that elementary school teaching is more important; I am sure of it. If I had to do it over again, I think I would have been an elementary school teacher, if I could be creative enough. I was a wrestling coach, but I would have liked to teach elementary school. I did coach the junior high school wrestling team in Northfield. Those are difficult years. I think any kind of support we can give kids who are middle school or junior high school age, we ought to do so.

What is the kind of support we can do with title I? It is a good program. That

is why I am on the floor. This is a good thing we did in 1965. This was a good thing we did in reauthorization in 1994. It means there are more teacher assistants, more one-on-one instruction, more community outreach, and more parental involvement. It is not easy because a lot of not such beautiful things are happening in the lives of many children in America today. I know that. I am in the communities. But this makes a difference. I will tell you, we could do a lot at Battle Creek Middle School if we had the funding. Frost Lake Elementary School has 66 percent low-income children and no title I funding.

So can I ask this question: What exactly are these schools going to be flexible with? Are they going to be flexible with zero dollars? What are they going to get to be flexible about? Do they get to choose between zero and zero? Is that the flexibility? Let's get real. Let's get real. The U.S. Congress, a couple years ago—because it is so easy to bash the poor—cut the Food Stamp Program by 20 percent. We have done next to nothing by way of pre-K. That is where the Federal Government is a real player in education. I will talk about that in a moment. We have done next to nothing by way of getting resources to families so there could be decent child care. And we are not talking about increasing the funding for title I, but we are talking about flexibility.

Some other schools: Eastern Heights Elementary, 64 percent low-income, no title I. Mississippi Magnet School, 67 percent low-income students and no title I. They get to be flexible between zero and zero. They get to choose how to spend no money. They get to imagine and dream. But do you want to know something? They need to do more than that. I am not going to let this piece of legislation go through this floor like this. I am sure some of my colleagues will be angry, but I am not going to let this zoom through the Senate without a lot of discussion. I want people to know exactly what it is.

Now, it could be—I have to be careful because it could be that people say: Well, you know what, all right, case made; we know what it doesn't do; but, nevertheless, in terms of what it tries to do, let's have more flexibility. These are two different things. I don't, first of all, want this to go through as the "big education initiative." It is not. It is not. I don't want this piece of legislation to go through as the sort of legislation that represents the "bold response" on the part of the United States of America to the concerns and circumstances of poor children. It is not. And I certainly don't want this piece of legislation to go through with the slogan of "flexibility," unless we have real accountability.

When we get to our amendments, I will have an amendment on account-

ability. I know Senator KENNEDY will have an amendment on accountability. I know that Senator REID will have an amendment on accountability. We will see if people are "real" about that.

By the way, what I hear from the St. Paul School District is that if they had another \$8 million in title I funding, they would use it to reduce class size. They would use it to increase parental involvement. They would use it to hire additional staff to work with students with greatest needs. There are a lot of ways they could use it. But we are not providing for the funding that they need. This is one of the things that I just hate about this vicious zero sum game, especially in greater Minnesota, which is rural. Here is what happens.

Don't anyone believe I am giving only urban examples somehow about the problem of children that need additional support. The whole goal of getting it right for all the kids in our country is not just an urban issue. It is suburban, and it is rural. But see, here is what happens when we don't provide enough funding. I don't know why we don't call this an unfunded mandate. It may not technically be, but in many ways it is.

We talk a lot about IDEA. We should. I say to the Chair, who is a former Governor, that the Governors make a good point. And I am in complete agreement that we ought to, when it comes to children with special needs, be providing for funding. I don't know why we don't talk about this, because you know what happens, I say to my colleague from Vermont. There is strong rural community as well in Vermont. What happens is that in those schools in the rural areas where maybe there is a 35 percent, low-income, or 30 or 20 percent, they say, "Listen. We need some funding." But we get into this zero sum game with not enough funding. It gets divided up in such a way that it makes sense that the funding goes first to the neediest schools. And there isn't any. And there isn't any.

Minneapolis—this is just looking at estimates for next year. K through 12 schools in Minneapolis: 31 schools will receive no title I funds; 14 schools with at least 50 percent free and reduced lunch recipients will receive no title I; 14 schools that have 50 percent low-income student population will receive no title I funding. Burroughs Elementary School, 43 percent low-income, no title I funding. The school would be eligible, if we had funding.

For almost \$100,000 in title I next year, they would use the money to buy computers for special reading software, additional assistance in reading and math, work for students in small groups, and to close the achievement gap. But they can't do it. We are going to give them Ed-Flex. We are going to give them Ed-Flex. Anthony Elementary School, 43 percent free and reduced lunch, again, the operational def-

inition of low-income, receive no title I. The school would be eligible if we got funding we needed—\$154,000 next year—and they would use the money for afterschool tutoring, that is what we should be doing, if we are "real." We will have an amendment on that before this debate is all over.

They would use the money for afterschool tutoring to improve math and science, to improve technology, to increase staffing, and to improve parental involvement.

Marcy Open Elementary School, 44 percent low-income, they are going to lose their educational assistance if they don't get the funding they need. Kenny Elementary School, 39 percent low-income, no title I. If they were going to get the funding that they deserve, they would have about another \$9,000 that they would be eligible for, and they would use that to hire tutors who are trained to tutor small group instruction, to buy certain computer-assistance instruction, to make the Read Naturally Program available to more students, and to focus on students who are English language learners. I think this whole issue of students who are English language learners is the key issue here.

One of the things that is so unconscionable to me about all of this and the way we give title I the short end of the stick is that we have a lot of students right now who are from families—Minneapolis, MN—I think I am right. Don't hold me to these figures. But, roughly speaking, in Minneapolis students come from families where there are 90 languages and dialects spoken. That is Minneapolis, MN. That is not New York City. In St. Paul, it is about 70 languages and dialects spoken. It is not uncommon. I remember being in a Jackson Elementary School meeting with fourth grade students, and there were five different languages spoken in that class of 25 or 30. For a lot of those students, they need additional help. We know why. That is a big challenge.

Title I really helps if the funding is there. But we are not talking about—I haven't heard any Republican colleagues talking about dramatically increasing the funding for title I. I haven't heard the President talk about it. He has talked about \$110 billion more for the Pentagon over the next 6 years, and \$12.5 billion next year. And the President of the United States, a Democrat, says education is his highest priority, and he doesn't even call for an additional \$2 billion for education for the whole Nation. You would think that he would call for as big of an increase, I say to my colleague from Vermont, for the Education Department and education as he would for the Pentagon, if education was his No. 1 priority. I think that is part of the problem. I think the White House has absolutely caved on this issue. I cannot

believe their silence. I cannot believe it.

Mr. President, I would like to talk a little bit about some success of title I. I think I read a couple of these letters last night. But I think it is worth talking about again.

Let me start with Annastacia Belladonna Maldonado from the Minneapolis Chicano-Latino Council who says:

I am very concerned about the hurried fashion in which Congress is handling S. 280. Given that ESEA is up for reapproval, it seems reasonable, more appropriate, and certainly a more dramatic way of addressing issues and concerns that Ed-Flex has written. At the very least I would expect a series of responsible considerations of all aspects of S. 280 be addressed by the committee before proceeding to an open debate.

Well, it is too late. We are on the floor. Secretary Riley, who I personally think is probably the gentlest and kindest person in government—I can't fault him for his commitment to education. I can't fault him for his courage as Governor of South Carolina who called for an increase in taxes to fund public education. He came to our committee, I say to my colleague from Vermont, a couple of weeks ago, and he said we believe that since title I represents really a big part of what the Federal Government does here, we would prefer that when you go through your reauthorization of the Elementary Secondary Education Act, that you put off this Ed-Flex legislation, which has such huge consequences, until then. But we didn't. While I appreciated the words of Secretary Riley, I don't see a lot of fight on the part of the administration on this question.

A constituent of mine, Vicki Turner, says:

The title I program of the Minneapolis public schools provided not only help for my two children, but the parental involvement program was crucial in helping me develop as an individual parent and now a teacher for the program.

Gretchen Carlson Collins, title I director of Hopkins School District, a suburb of Minneapolis, says:

There is no better program in education than title I, of the ESEA. We know it works.

She didn't say, "Oh. We are just strangled with regulations. It doesn't work." In fact, I haven't heard that. I haven't had people in Minnesota say this is the statute that has been changed. As a matter of fact, I would say to my colleagues, if there is something right now in the title I statute that is an impediment to the kind of steps we need to take to improve educational opportunities for low-income children, please identify it, and then we will change it. But what you want to do is throw out all of the accountability.

You want to basically have the Federal Government, which represents the Nation, a national community, you want us to remove ourselves from any kind of protection for these low-income

children. You want to say that the very core requirements that have made title I so important and so positive in the lives of children, albeit we have enough funding, we no longer will require that States and the school districts live up to these requirements. That is what you want to do. That is not acceptable. I don't care if you call it "Ed-Flexibility." I don't care if you have all of the political arguments, 10-second sound bites down pat. Give the power back to the States, get the Federal Government out, get rid of all of the Washington rules and regulations.

You can say that over and over and over again, and I will tell you, even though some of you won't like it, that I am all for flexibility. I was a community organizer. I am all for people at the local level making a lot of the decisions in terms of how they design programs and what they do. But I will tell you something else. There is a whole history of all too many States not making poor children and their families top priorities when it comes to commitment.

I am not about to let this piece of legislation just fly through here without pointing out what we are doing, which is we are abandoning a 35-year-old commitment on the part of the Federal Government that we will at least have some minimal standard that will guarantee some protection that poor children will get the assistance they need in the United States of America.

That is what this legislation does. And this legislation could be different legislation if strong accountability measures were passed—strong, not wishy-washy language. And we will see. We will see, because I am, again, all for the flexibility part, but I am not for abandoning this commitment to low-income children in the country.

John and Helen Matson say:

How could anyone question the need for a strong ESEA? Ed-Flex waivers are an invitation to undermine the quality of public schools.

That is an e-mail I received.

High school senior Tammie Jeanelle Joby was in Title I in third grade. She says:

Title I has helped make me the hard-working student that I am. My future plan after high school is to attend St. Scholastica—

Which is a really wonderful college in Duluth, MN—

I may specialize in special education or kindergarten.

And I think that is great.

Then here is something from Claudio Fuentes from the Minnesota Urban Coalition. He opposes Ed-Flex. And you know what he says instead: "Focus on all day, every day kindergarten."

People in the communities, they have the wisdom. I will come back to some of their wisdom a little while later, but it is pretty interesting. The whole idea of Ed-Flex is let's get it

back to the local communities. You know what. Why don't we listen to people in the local communities?

Did we spend any time, I would love to find out—I can't wait for the debate. Here is the question I am going to ask of the authors of the legislation: How much time did you spend with low-income parents? How many meetings did you have with the parents? How many meetings did you have with the children? How many meetings did you have in communities with those students and those families who are going to be most affected by this legislation? I will be very interested in hearing the answer. I will be very interested in what they say because, frankly, I don't even hear anybody talking about it. When I go into cafes in Minnesota, nobody comes up to me and says, Are you for or against Ed-Flex? They don't even know what it is. They will tell me that I am a single parent or we are two parents and we have an income of \$30,000 a year and we can't afford child care. Child care costs us as much as college tuition now. Can anything be done about that?

They will say what about a tax credit? How about we pass today a refundable \$2,000-a-year tax credit for child care, for families with incomes up to \$50,000 a year? Why don't we do something real?

That is what people talk about. Or they talk about—and I will talk about early childhood development in a moment—or they talk about working and their kids are home after school and they are very worried and what about afterschool care? Can something be done by way of providing some adults to look after our kids when school is over because we are both working?

Or they will talk about how their daughter has a really—she has an abscessed tooth, and I don't have any dental care; we can't afford it, and she goes to school in pain. She can't learn when she is in pain.

The language is very concrete. I don't hear community people—as long as we are saying the case for Ed-Flex is to decentralize, I don't hear community people saying it. Sometimes I think Washington, DC, is the only city I have ever lived in where when the Governors come to town everybody says, The grassroots is here; let's hear from the grassroots. I have never lived anywhere else where that happens. "The Governors represent the grassroots of America."

Well, I would suggest to you, since most of what Ed-Flex is really about is waivers and title I, that grassroots goes down to a little bit lower level. It goes to the community level and starts with the children and the parents who will be affected by what we do or by what we don't do.

Mr. President, let me talk about what would make a difference as opposed to this piece of legislation, which

represents at best a great leap sideways and at worst a great leap backwards. And let me talk about equity in education, which is just another way of talking about the kind of inequality that exists right now. Let me talk about learning gaps.

And by the way, I don't have any evidence of this. A friend of mine, Colin Greer, who is head of the New World Foundation, told me—I think Senator JEFFORDS would be interested in this. I haven't seen the data. It would be interesting. I think this is what Colin said. He said that actually the United States of America measures up well against any other country in terms of our educational attainment, educational tests if you take title I students and put them in parenthesis for a moment. In other words, the learning gap is essentially, these are issues of race and gender and poverty in children. That is really what the learning gap is about. These are the kids who come to school behind and fall further behind.

So let me talk about the learning gaps. They are prevalent at all education levels. In general, the poor and minorities do worse on just about any measurement of achievement, be it the Federal Government's national assessment of educational progress or real-world outcomes like high school and college graduation rates.

Boy, I hope I didn't read this the right way, but I think I read the other day that in California there are five times as many African American men ages 18 to 26 or 30 in prison than in college. I think I read that the other day, that in California there are five times as many African American men ages 18 to 30 in prison than in college.

And, by the way, there is a higher correlation between high school drop-out and winding up in prison than between cigarette smoking and lung cancer. So we should be doing everything we can to make sure that kids do well in school and don't drop out. And Senator BINGAMAN will have an amendment that speaks to that.

The disparities that we see—if you think that where I am going is blaming the children, no, I am not. Now, let me be clear about this because we have a lot of this going on, too, and I would like to talk a little bit about the White House again.

When I say that in any measure of achievement the poor and "minorities" fall way behind, I am not now about to engage in blaming those children and blaming those families because a large part of these disparities are caused by unequal educational opportunities. These students have unequal access to key resources that strongly affect their achievement levels. Preparation to begin schools, teacher quality, class size, curriculum content, school infrastructural quality—and I will talk about all of that. Let me just jump ahead now.

I am sorry to be speaking with some anger here today. I don't know, maybe the President got it from a poll—you know, be against social promotion. I am a Democrat. Say you are tough on social promotion because everybody says, boy, I tell you what, you are right; those students, they just shouldn't be promoted if they haven't reached an educational attainment. That is just terrible. Well, you know what it is. But here is what is so outrageous about this latest given.

You have a White House that sends a budget over here—and I will be talking about it—that does precious little by way of making sure the children come to school ready to learn. We know that is the most critical time. It does absolutely nothing by way of really investing resources in afterschool care. We have this huge disparity that I am about to go into, where all too many kids go to schools where the toilets don't work, where the heating doesn't work, where there is no air conditioning, where the buildings are crumbling, when they are hungry, where there are not enough textbooks, where there aren't computers, where there aren't adequate lab facilities. They don't have the same opportunity to do well. So, now, all in the name of educational rigor—I was a teacher—now what we are going to do is flunk them again. It is outrageous.

We don't do anything to make sure that they have the same chance to do well on these tests, but we will give them the tests and flunk them. That's great. These kids come to school way behind, we don't make the investment in the schools, they don't have the same opportunities to learn, and then we give them the tests, and then we say you don't go on. And then, come senior year, we give them another test, and if they don't pass it, then they don't graduate.

We failed the students who have been failing. If you don't do anything to make sure that these children have the same chance to do well, then this is just blaming these children. This is cowardly. Why don't you blame the school systems? Why don't you blame the adults? Why don't you blame Senators? Why don't you blame mayors and representatives and school boards? No, you blame the children.

By the way, a lot of our educational experts, if anybody wants to listen to them, say: Listen, you know what, we want to do additional one-on-one tutoring, we want to do summer school, we want to do everything we can to help these kids to do well. But if the only thing you are going to do is flunk them, what happens is they will drop out of school. Pretty soon you will have 17-year-olds who will be in, I don't know, 10th grade, 9th grade, they will be flunked 2 or 3 years, and they drop out or they cause trouble for other kids. Not many educational experts are

very high on this idea, especially given the tin cup education budget that the President gives to us, with my Republican colleagues probably not even wanting to support that. But we blame the children.

Let's talk about what we should be putting the focus on.

It is not unusual for economically disadvantaged students in these poor districts to enter school without any preschool experience, to be retained in the early grades without any special help in reading, to attend classes with 30 or more students, to lack counseling and needed social services, to be taught by teachers who are inexperienced and uncertified, and to be exposed to a curriculum in which important courses are not taught and materials are inadequate and outdated.

That is Bill Taylor, "A Report On Shortchanged Children, the Impact of Fiscal Inequity on the Education of Students at Risk," U.S. Government Printing Office, 1991.

May I repeat this quote? And then I would like to, later on in debate, ask my colleagues how you intend to rectify this through Ed-Flex.

There is probably not a more serious and important scholar on this question than Bill Taylor.

It is not unusual for economically disadvantaged students in these poor districts to enter school without any preschool experience, to be retained in the early grades without any special help in reading, to attend classes with 30 or more students, to lack counseling and needed social services, to be taught by teachers who are inexperienced and uncertified, and to be exposed to a curriculum in which important courses are not taught and materials are inadequate and outdated.

What does Ed-Flex do? What does Ed-Flex do to address any of these disparities? Do you know what the answer is? Nothing. Zero. What is the U.S. Senate doing to address these disparities? Nothing.

Mr. President, let me start off—and this is hard to do—by reading excerpts from a book by a man who has probably contributed more to raising the consciousness of people about children in this country than anyone else, Jonathan Kozol. The last thing he wrote was a book called "Amazing Grace, Poor Children and the Conscience of America." It is set in the Mott Haven community in the Bronx. I recommend this book. For all who are listening, I recommend this book, it is so powerful. It is called "Amazing Grace, Poor Children and the Conscience of America." Here is what Jonathan Kozol said. Basically, what he is saying is: No country which truly loved children would ever let children grow up under these conditions. But we do.

By the way, I had a chance to meet with these children. The heroine of this book is a woman named Mother Margaret, who is an Episcopalian priest. She has done incredible work with these kids. She came down to D.C., and Jonathan said, "Would you host the

children?" I said, "Great. I read the book and I read about the kids." They came down here, and I think Jonathan Kozol thought they would be impressed, meeting in the office, but the only thing they really talked about was the swimming pool in the hotel, and the other thing they talked about was beds. It was a very big deal to them to be able to sleep in a bed.

Mr. President, this book is called "Savage Inequalities." Let's just talk about what Ed-Flex does and what it does not do.

A 14-year-old girl, with short black curly hair says this:

Every year in February we are told to read the same old speech of Martin Luther King. We read it every year. "I have a dream." It does begin to seem, what is the word—she hesitates and then she finds the word—perfunctory.

Perfunctory? I asked her what do you mean?

We have a school in East St. Louis named for Dr. King, she says. The school is full of sewer water and the doors are locked with chains. Every student in that school is black. It's like a terrible joke on history.

It startled Jonathan Kozol to hear her words, but I am startled more to think how seldom any press reporter has noted the irony of naming segregated schools for Martin Luther King. Children reach the heart of these hypocrisies much quicker than the grownups and the experts do.

A history teacher at Martin Luther King School has 110 students in 4 classes but only 26 books. What is Ed-Flex going to do for this teacher of these students?

Each year, [Kozol observes of East St. Louis High School] there is one more toilet that doesn't flush, one more drinking fountain that doesn't work, one more classroom without texts. Certain classrooms are so cold in the winter that the students have to wear their coats to class while children in other classrooms swelter in a suffocating heat that cannot be turned down.

You know, we have all these harsh critics of our public schools. Some of them are my colleagues in the U.S. Senate. They couldn't last 1 hour in the classrooms they condemn. They couldn't last 1 hour in these schools.

I am going on to quote the teachers:

These kinds of critics willfully ignore the health conditions and the psychological disarray of children growing up in burnt out housing, playing on contaminated land, and walking past acres of smoldering garbage on their way to school.

Mr. President, let me go on to read from this book:

In order to find Public School 261 in District 10, a visitor is told to look for a mortician's office. The funeral home which faces Jerome Avenue in the North Bronx is easy to identify by its green awning. The school is next door in a former roller skating rink. No sign identifies the building as a school. A metal awning frame without an awning supports a flagpole, but there is no flag. In the street in front of the school, there's an elevated public transit line. Heavy traffic fills the street. The existence of the school is vir-

tually concealed within this crowded city block. Beyond the inner doors, a guard is seated. The lobby is long—

And there is a sign, by the way, on the outside of the school: "All students are capable of learning."

Beyond the inner doors, a guard is seated. The lobby is long and narrow. The ceiling is low. There are no windows. All the teachers that I see at first are middle-aged white women. The principal, also a white woman, tells me that the school's capacity is 900, but there are 1,300 children here. The size of classes for fifth and sixth grade children in New York, she says, is capped at 32, but she says the class size in the school goes up to 24. I see classes as large as 37. Classes for younger children, she goes on, are capped at 25, but a school can go above this limit if it puts an extra adult in the room. Lack of space, she says, prevents the school from operating a prekindergarten program. "Lunchtime is a challenge for us," she explains. "Limited space obliges us to do it in three shifts, 450 children at a time." Textbooks are scarce.

And it goes on:

The library is tiny, windowless. There are only 700 books. There are no reference books.

And it goes on and on and on. These are the conditions of the schools.

Let me just read the conclusion. I could go on for an hour from this book. Here is the conclusion where he concludes his book:

All our children ought to be allowed a stake in the enormous richness of America. Whether they were born to poor white Appalachians or to wealthy Texans, to poor black people in the Bronx or to rich people in Manhattan or Winnetka, they are all quite wonderful and innocent when they are small. We soil them needlessly.

Mr. President, I have tried to develop my case. We are not talking about providing more funding for title I. We talk about abandoning basic core requirements of title I—we are talking about abandoning the Federal Government, holding States and school districts accountable and making sure that the money gets to the neediest schools. We are talking about abandoning the very essence of accountability, that these standards are lived up to to make sure that there are good teachers, to make sure that the kids are held to high standards, to make sure there is testing.

And we know the results. We have not done a darn thing to make sure we make a commitment to pre-K so kids come to kindergarten ready to learn. We do not do much by way of after-school care. We do not have the money, we say. We are a rich country. The economy is booming, but we do not have the money to do any of that?

In addition, the reality is that some schoolkids go to schools, because of the property tax, wealth of the school districts, that can give them the best of the best of the best—the best of computers, the best of technology, the best of labs, the best school buildings, the best teachers, the best band and music and theater and athletics, the best of everything. Other kids in America, who

come from different school districts, or come from communities where there is not the commitment to them or they do not have the resources to make the commitment, go to schools that are burnt out—I mean, how would any of my colleagues do, as U.S. Senators, if you walked into this Chamber—this is a beautiful Chamber, thank God—how would you do if you walked into this Chamber and it was the summer in DC and there was no air-conditioning or it was winter and there was no heat or we did not have staff to help us, we did not have pages to help us, we weren't able to have the materials we needed, we were hungry, and maybe 20 percent of us had a gun, which is not unusual in a lot of schools in our cities? Would you learn? Would you do well?

What kind of message do you think we communicate to children in America when they go to school buildings that are decrepit, where the roofs are leaking, where the toilets do not work, where the buildings are just grim? What kind of atmosphere is that for children? What kind of encouragement do you think we give these children to learn?

You think these children are fools? You think these children think that the Ed-Flex program is going to do anything for them? They are a lot smarter than you think they are. They know it is not going to do anything for them, because we are not doing anything for them. As a matter of fact, we are going to pass a piece of legislation, unless there is some strict accountability measures in this bill, amendments that are passed, that is going to do harm to them. That is what we are doing. And I cannot believe that this bill just came to the floor of the Senate and there has been so little opposition.

Mr. President, let me talk about some of the inequalities that exist. First of all, the inequality in participation in early childhood programs, like nursery school and prekindergarten: Three-year-olds from better-off families are more than twice as likely than those from less-well-off families to be in these programs, like the nursery school programs and prekindergarten programs.

Among 4-year-olds, there remains substantial disparities. Barely half of the children with families of incomes of \$35,000 or less have participated in early childhood learning programs compared to three-fourths of the children from families with incomes over \$50,000. So if we wanted to do something about this, Mr. President, what we would do is we would make sure that we would invest the resources in early childhood development.

I am going to talk about some really shocking statistics in a moment. But let me just say it again—whether it be Arkansas or whether it be Minnesota or whether it be Vermont, the Federal Government—what the education community tells me in Minnesota is you all

are real players when it comes to making sure that children can come to kindergarten ready to learn. You could make a real commitment of resources.

We have in the President's budget—you know, we have a White House conference on the development of the brain. The evidence is irrefutable, it is irreducible. I am going to talk about it at some length a little later on in my presentation. But we know that if you do not get it right for these kids by age 3, they may never do well in school and may never do well in life.

What is really interesting about the literature that has come out is that—we have always known—we have always known that if a 7-year-old comes to school and she has not received dental care, she is not going to do well. We have always known that if children do not have an adequate diet, they are not going to do well. We have always known if women expecting children do not have a good diet, that at birth that child may have severe disabilities and may not be able to do well. But what we did not know—although I think all of us who are parents and grandparents; I am a grandparent as well—what we did not know is that actually literally the way the brain is wired, and whether or not a child will do well in school, whether or not a child will behave well is highly correlated to whether or not—is my mike working or not? Is the mike working?

THE PRESIDING OFFICER (Mr. HUTCHINSON). Senator, I do not know whether your mike is working. You can be heard very well.

Mr. WELLSTONE. Mr. President, my good friend from Arkansas, what is really astounding about this literature is that literally the key part of it is whether or not there is real intellectual stimulation for these children. It isn't a question of whether they have had a proper diet or have been immunized; that has a huge impact on whether they can come to school and do well.

Anyone who is a parent or grandparent knows this. I like to tell the story, because it is absolutely true. Our children are older and I had forgotten what it was like. But now we have three grandchildren: 3-year-old Josh; 4-year-old Keith; Kari is 7, she is older. They visit us and every 15 seconds these children are interested in something new. When they are 2 and 1, it is the same way. It is a miracle. It makes me very religious. It is as if these small children are experiencing all the unnamed magic of the world that is before them.

We know that if we would make an investment in these children, we make sure that there is good child care, and we make sure when they come to kindergarten they are ready to learn. I will say it again: Our national goal ought to be that every child in the United States of America, when he or

she comes to kindergarten, they know how to read, they know how to spell their name, they know the alphabet; if they do not know how to read, they have been read to widely. Can't we make that a national goal? These are all God's children. But the fact of the matter is, we don't. There is a huge disparity. The fact of the matter is that many children, by the time they come to kindergarten, are way behind, and then they fall further behind. And then they wind up in prison.

This Ed-Flex bill does absolutely nothing to make a difference for these children.

Point 2: Reading levels are not where they need to be. In early February of this year, the National Center for Education Statistics released the 1998 reading report card for the Nation. These results are based on the national assessment of education progress data collected in 1998. These results tell us how our children are doing, what their reading levels are, and whether they need improvement.

There are two sets of findings I want to emphasize. First, as a country, too few of our children have the reading skills necessary to succeed. At all grade levels, 40 percent or fewer of the Nation's students read at a level that is proficient for their grade. This figure is unacceptably low. What can we do?

Second, and even more disturbing, are the tremendous disparity levels in reading levels by family income, race, and ethnicity. For example, children who are eligible for the free and reduced lunch program, title I or title I-eligible children, are more than twice as likely to be below the basic reading level than those who are not eligible for the program. In addition, fourth- and eighth-grader white students are three times as likely as black students or Hispanic children to be proficient readers.

Part of what these figures are telling us—in fact, they are screaming at us—is that we have a long way to go. This is a crisis.

Now, may I ask the question: Does Ed-Flex do anything to help these students? Are there additional resources that we are calling on? Are we doing anything to make sure that kids come to school ready to learn? Are we doing anything to improve their nutritional status? We cut nutrition programs for these children. Are we doing anything to make sure each and every one of those children is healthy? Are we doing anything about the housing conditions? Are we doing what we should do to reduce some of the violence in the communities, some of the violence in the homes? Are we doing anything to provide some additional support services for these kids?

A woman is beaten up every 15 seconds in her home. Every 15 seconds in the United States of America, a woman is battered in her home. A home should

be a safe place. Those children, even if they are not battered themselves—although many are—see it. They essentially suffer from posttraumatic stress syndrome.

My colleague from Arkansas works with veterans. I have done a lot of work with Vietnam vets. I see it all the time, PTSS. We have children who suffer from that. Do we have anything in Ed-Flex that talks about additional services to these children? No. The only thing we do in the Ed-Flex bill is essentially wipe out any kind of accountability standard that would make sure the money goes to the neediest schools first, and we wipe out the accountability standards that make sure title I children have good teachers, are held to high standards, that we have testing and results, and we know how we are doing. And this legislation purports to be a step forward for poor children in America?

There have been a number of lawsuits filed. It is too bad, but that is the way we have to go to affect these conditions. Since Ed-Flex doesn't have anything to do with the reality I am describing, I think the lawsuits are necessary. Let me cite a lawsuit that came out of Hartford, CT, in the early 1990s. The Hartford School District had a substantially higher percentage of minority students than the surrounding suburbs. The Hartford school enrollment was more than 92 percent minority, whereas contiguous suburbs such as Avon, East Granby, and Wethersfield were less than 5 percent minority. Although Connecticut had the highest per capita in the United States, Hartford was the fourth-poorest of the United States cities, with the second highest rate of poverty among children.

At the same time, not surprisingly, the Hartford school system had substantially inferior educational resources than other school systems. Hartford students were shortchanged in a broad range of educational inputs. For example, school systems across the State spent an average of \$147.68 per student per year on textbooks and instructional supplies; in Hartford, it was \$77 dollars, only 52 percent of the statewide average.

Or consider East St. Louis, IL, in 1997. Here are some of the problems that the students in the East St. Louis school system faced: Backed up sewers, flooding school kitchens; faulty boilers and electrical systems, regularly resulting in student evacuations and cancelled classes; dangerous structural flaws, including exposed asbestos; malfunction of fire alarms; and emergency exits that were chained shut; instructor shortages that usually meant students did not know in advance whether or not they even had a teacher; and school libraries that were typically locked or destroyed by fire.

How can we expect our children to achieve or be able to learn to develop

and realize any, let alone all, of their potential as human beings when faced with such an outrageous environment as this? What does Ed-Flex have to change this environment? Nothing, zero. This is what we ought to be talking about on the floor of the U.S. Senate. That is why I am trying to slow this bill up.

Here is a final description from Louisiana, although you can pick any State. In preparing for a lawsuit in Louisiana, the ACLU staff discovered a pitiful lack of the most basic resources. Besides having to deal with leaky roofs and broken desks, students often had to share textbooks among the entire class, negating any possibility of doing homework or building out-of-class research skills. What few books existed in school libraries were typically torn, damaged, or outdated, a particularly riling problem for subjects like technology, science, and history. At one school, students posing for a class photo in the auditorium had to keep their coats on because of the lack of heat in the building. I repeat that: At one school, students posing for a class photo in the auditorium had to keep their coats on because of the lack of heat in the building.

Here is the reaction of one of the staff attorneys. "It was impossible to imagine that any serious education could go on in these decrepit schools. In some schools children had to go to the principal's office to get toilet papers. The overwhelming impression left on us [the lawyers] was sadness."

Mr. President, let me talk about Federal standing on elementary and secondary education. Now, I am going to try—some of this is off the top of my head. These statistics will be close, but they might be off just a little bit. We have had reports, like *Nation at Risk* in the early 1980s, and we have had politicians of all stripes give speeches about children and education. We all want to have photo opportunities next to children. We have talked about it as a national security issue.

Do you want to know something? The percentage of the Federal budget that goes to education is pathetic. It is pathetic. It amounts to about 2.5 percent of total Federal budget outlays—2.5 percent.

By the way, on title I, since this Ed-Flex is supposed to represent some great step forward, according to the Rand Corporation study, we would have to double our spending on title I to really even begin to make a difference for these children. I said this earlier and I will say it again. Here is what I am not quite sure of. Then I will tell you what I am absolutely sure of. What I am not quite sure of is, I think that during the sixties—this was where title I became part of the Elementary and Secondary Education Act—we were at maybe 10 percent that we were devoting as a percentage of the Federal

budget to education. That is what we say is a priority.

When Richard Nixon was President, it was higher than it is with the Democratic President. And then it was Ford and Carter, and I think it stayed about the same level. With Reagan, it went way down. And then, with President Bush, it went up some. It never got back to the percentage it was during Nixon's Presidency. With President Clinton, it is about the same as it was with President Bush, maybe even a little less; I am not sure.

Here we have a Democratic President who says that education is the No. 1 priority, and we are spending less as a percentage of our Federal budget on education than under President Nixon, a Republican. I am going to talk about Head Start in a while. Here we have a Democratic President and we don't fully fund the Head Start Program. I can forgive my Republican colleagues; I didn't expect a Republican President to fully fund Head Start. I just expected a Democratic President to fully fund Head Start. How naive of me.

Mr. President, it is just unbelievable. I point out these disparities, and a lot of K through 12 is at the State level. But you would think that we would make a difference where we could make a difference. Yet, we don't, and we have all this discussion about education being the No. 1 priority.

Frankly, the President has presented us with a "tin cup budget." The President wants to increase the Pentagon budget next year by \$12.5 billion and by \$110 billion over the next 6 years, and he calls for barely a \$2 billion increase in the Department of Education budget. Pretty unbelievable. You would think that if education was a big priority, we would see the same increase in funding for education as we would see for the Pentagon. Not so.

Mr. President, I now want to turn my attention to what we ought to be doing as opposed to what we are doing. Before I do that, however—and I will finish up on this—I want to point out one more time—and I will have an amendment that deals with this part of the bill that makes it crystal clear that this title I program is severely underfunded. And I will have a vote on it. I spend a lot of time in these schools with these principals, teachers, and these families. They all tell me—before my colleague came here, I was saying that I went to the schools in St. Paul-Minneapolis with 65 to 70 percent poverty that don't receive any title I funding because by the time we allocate the money, there is no more money left. And we do very good things with this money for these children that need additional help. But we are not calling for any additional investment of money for our schools to work with. In addition, what we are not doing is, as a national community, we are no longer saying to the States and school dis-

tricts there are certain core, if you will, values, that we want to see maintained.

There is a mission to title I. We know why we passed title I in 1965, because we took a look around the Nation and it wasn't a pretty picture. In quite a few States, whether anybody wants to admit it or not, these poor children fell between the cracks. So we, as a Nation, will at least have a minimal standard that will say, with title I, there will be certain core requirements; there will be qualified teachers; there will be high standards; there will be some testing and some results and some evaluation, and this will apply to title I programs everywhere in our land, to make sure that some of these children have a real opportunity. And now, with this legislation, we are going to toss that overboard. I will have an amendment that says we can't.

The second thing we said in 1994—and I don't know what my colleagues think, and I will have an amendment and we will have a debate and vote on it—was that in the allocation of the money, those schools with a higher percentage, 75 percent low-income students or more, should have first priority for funding. That makes sense to me. For some reason, my colleagues want to toss that overboard.

By the way, I made a third point, which is that I understand—I know my colleague from Arkansas comes from a smaller town, a rural community, and that is a big part of Minnesota. I understand the zero sum game we are in, because the crazy part of it is that we don't get enough funding and, therefore, say—I could pick any community in Minnesota, but in any number of our greater Minnesota communities, people are saying, "Paul, we have 20 percent or 30 percent low-income or 35 percent low-income"—in some rural areas it is much higher—"and we don't get any funding." So it becomes a zero sum game. What do you do with a limited amount of money? I would like to see something real out here on the floor of the U.S. Senate when we talk about getting more resources to our States and school districts.

Now, here is what we should be talking about on the floor of the U.S. Senate: early childhood development. This is the most pressing issue of all. If you talk to your teachers, they will tell you this. The best thing we can do as Senators is to get—by the way, it would be \$20 billion over the next 4 years minimally. If we really wanted to make a difference, it would be about \$20 billion over the next 4 years. Well, listen, we are going to do \$110 billion to the Pentagon over 6 years—more subs, more nuclear warheads, more missiles.

If we were serious about this, we would make the commitment to early childhood development. That is what all of our teachers are telling us, and that is what our experts are telling us.

It is the best thing you can do. By the way, those of you for flexibility, I agree, don't run it from Washington, DC. Get the resources back to the local communities and, like NGOs and non-profits and all sorts of folks who meet the standards, set up really good development child care centers and also family-based child care and give the tax credits, but make sure they are refundable and that the low-income aren't left out, or families. Do it. Get real. Do the best thing we can do. But that is not on the floor today. We have Ed-Flex. Ed-Flex means nothing to these families.

Mr. President, I have already talked some about the kind of science literature—my colleague, I am trying to remember the name of the book—Dick and Ann Barnett. Dick is at the Institute of Policy Studies, and Ann is a pediatric neurologist. They have written a wonderful book. I can't remember the title. But there are many books that have come out.

Let me talk about the disparity. Listen to this 1990 study. Looking at the hours of one-on-one picture book reading kids have experienced by the time they started first grade, low-income children average 25 hours. By the time they come to first grade they have altogether, with picture book reading, been read to 25 hours. Middle-class children average between 1,000 and 1,700 hours. It is unbelievable.

By the way, as a grandpa, I know that reading makes a difference. Now this gets tricky, because I can read my colleague's face here about the responsibility. Let's talk about this a little. I just said this. I now have to figure this out a little bit.

First of all, let me make the case that we could do so much better. I am for combining the commitment to child care. That is what we should be talking about today, and investing some resources in this, and getting community level volunteerism. I am for doing whatever can be done in the families, and I want parents to take the responsibility. I wish more would. I think sometimes it is brutal. People work different shifts, and two or three jobs working their heads off. And they hardly have the time to have a common occasion with their children; even to sit down and eat dinner together. All too many of our families are under siege.

It is not that people aren't working. It is that people are working entirely too many hours. But both have to work. But I wish that parents would read more to their children before they are in kindergarten. But I also think this is all about whether there is good child care. This is also true with volunteers. I would be, for all of us who no longer have children that are young, getting the books out of our homes, and older computers out of our homes, and do it through veterans halls, do it

through union halls, do it through the religious community, and invite volunteers, get tutors and mentors. We could do a lot. But I will tell you something. It makes a real big difference in terms of whether these children are ready to learn. And they are needy.

The needy—50 percent of the mothers of children under the age of 3 now work in our country outside of the home; 50 percent. There are 12 million children under the age of 3, and one in four lives in poverty. One out of two of color live in poverty—half of the children of color today in our country—and under the age of 3 are needy, the richest country in the world.

Compared with most other industrialized countries, the United States has a higher infant mortality rate portion of low-birth weight babies and a smaller portion of babies immunized against childhood diseases.

This critically affects education. This critically affects the educational payment of children. Full day care for one child ranges from \$4,000 to \$10,000. That is comparable, as I said earlier, to college tuition, room and board at our public universities.

Half of the young families in our country with young children earn less than \$35,000 a year. A family with both parents working full time at minimum wage earns only \$21,400 a year.

I want to tell you something. More than just about any other issue when I am in cafes in Minnesota, people talk to me—working families. They say, "We can't afford this. We both work. We both have to work. I am 30. My wife is 28. We have two small children. Isn't there any way we can get some help for child care?"

That is what is really critical, if we are going to be talking about education. Ed-Flex means nothing to these families.

Drawing on some reports, I am sorry to report these statistics. Six out of seven child care centers provide only poor to mediocre care. One out of eight centers provides care that could jeopardize a child's safety in development. One out of three home-based care situations could be harmful to a child's development—the Children Defense Fund study.

Although approximately 1,500 hours of training from an accredited school is required to qualify as a licensed hair cutter, masseur, or manicurist, 41 States do not require child care providers to have any training prior to serving children. The annual turnover rate among child care providers is about 40 percent. Do you want to know why? I love to take my grandchildren to the zoo. If you work at the zoo, you make twice the wage that women and men make with small children in this country.

One of the worst things we have done in the United States of America is to have abandoned too many poor chil-

dren. This legislation takes us in that direction. And we have devalued the work of adults that work with these children. Most child care workers earn about \$12,000 a year, slightly above the minimum wage. And they receive no benefits. That is unbelievable—unbelievable.

When I was teaching, I would have students come up to me, and they would say, "Look. You know, do not be offended, but we want to go into education. But we don't want to teach at the college level. We think we could really make a difference if we work with 3 and 4-year-olds." Then the next thing they say is, "But we don't know how we can afford it. We have a loan to pay off. How do you make a living?" Why in the world do we pay such low wages? So the families can't afford the child care. The families can't afford the child care. And those adults that want to take care of children can't afford to provide the care.

What we have on the floor of the U.S. Senate instead is Ed-Flex. We could make a huge difference, but we don't, and we will not.

There was a woman, Fannie Lou Hammer—I have quoted her before—a civil rights activist. She was, Senator HUTCHINSON, I think, one of 14 children, the daughter of a sharecropper. Her immortal words, where she was once speaking, were, "I am so sick and tired of being sick and tired."

I am sick and tired of the way in which we are playing symbolic politics with children's lives. If we were serious about doing something on the floor of the U.S. Senate that would make a difference for children, we wouldn't have this Ed-Flex bill on the floor. We would be talking about the ways in which we are going to provide money, dollars, resources for local communities to provide the very best of elemental child care so that every child, by the time he or she is of kindergarten age, is ready to learn. That is the most important thing we could do. And we don't even make it a priority.

Now, Senator DEWINE and I passed an amendment that we are proud of; it is the law of the land, but we don't have the funding yet, which says that we will at least have loan forgiveness for those men and women who get their degree and go into early childhood development work. But that still doesn't do the job. We ought to pay decent wages. I don't understand this.

Senator HUTCHINSON is, I guess, what Governor Bush would call a compassionate conservative. He is certainly passionate; he is certainly conservative. I don't understand this. We have two groups of citizens that are the most vulnerable that deserve the most support and the adults that work with them make the least amount of pay with the worst working conditions.

Nursing homes, my mother and father both had Parkinson's disease, and

we fought like heck to keep them at home, and we did. We kept them at home for a number of years. We kept them at home, between Sheila and I and our children spending the night, as long as we could until we could not any longer. And then toward the end of each of their lives, toward the end of their lives they were in a nursing home.

Well, I don't think I could do that work. It is pretty important. You have people who built this country on their backs. They have worked hard. They are elderly. They are infirm. They need the help, and we pay the lowest wages. We have a lot of people in these nursing homes who don't even have health care coverage.

Congratulations, Service Employees International Union, for your victory in California in LA organizing home health care workers. The other thing we ought to do is to try to enable people to stay at home as long as possible to live in dignity and provide help. But why do we pay people, why do we pay adults so little to do such important work?

And then the other group of citizens that is the most vulnerable, the most in need of help that we should provide the most support to is small children. We devalue the work of adults. I don't get it. If you are some advertising executive—I don't want to pick on them, but if you are some advertising executive who figures out some clever way to sell some absolutely useless product or you have got all sorts of ads that the Senator from Arkansas and I both would not like, just think it is trash, it should not be on TV, exploitive in all kinds of ways—and I think the Senator from Arkansas knows what I mean—such a person probably gets paid hundreds of thousands of dollars, and then you have child workers who are working with children, and they get next to peanuts. Boy, I think our priorities are distorted.

Let me tell you, Ed-Flex doesn't do anything to deal with this problem of priorities.

Mr. President, I am going to just mention two other areas. I have really covered Head Start already. I was going to read from some Minnesota stories, but I am going to move on, some huge success stories just to simply mention the well-known Perry study on the benefits of Head Start. It is pretty interesting. They did a sort of a control of two different groups.

Head Start participants, they did a followup through age 27. This program was started in 1965. Criminal arrests: 7 percent Head Start, 25 percent control group—those kids that weren't in Head Start, controlling for income and family background and all the rest. Higher earnings, 29 percent of Head Start kids, 2,000 plus per month, only 7 percent control group; 71 percent Head Start kids graduated or received a GED, only

54 percent control group. And 59 percent received assistance, they did receive some assistance, still poor, but 80 percent of the control group. And fewer out-of-wedlock births across the board.

For kids who have really grown up under some really difficult conditions, the Head Start Program has helped them with a head start. And we have a budget that the President presents that will get us to 2 million children, I think, covered, but that is about half.

About 2 million children will be eligible. The President's budget gets us a million. Half. So our goal—talk about a downsized agenda, talk about politics of low expectations—is to provide funding for only half these children.

Now, this isn't even early Head Start because really what we have to do well is before the age of 3. I noticed when Governor Whitman was testifying before, she was talking about her program in New Jersey, which sounds to me as if it is a very important program that deals, I think, with 4 and 5-year-olds or 3 and 4-year-olds, and I said to her, what about preage 3? I know she nodded her head in agreement.

Why aren't we providing the resources? In all due respect, if we want to do something really positive, the most important thing we can do is invest in the health care and intellectual skills of our children. Ed-Flex doesn't do that, and we are not going to do it.

So I am not going to let my colleagues put this bill forward as if it is a great big, bold step forward for poor children in America. It is not. As a matter of fact, it will do damage to children unless we have the strengthened accountability language. And we will see whether or not we can get a vote for that.

Might I ask a question, Mr. President? I wonder how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 hour 31 minutes remaining.

Mr. WELLSTONE. Mr. President, I have a few things I would like to lay out, but I want to ask my colleague from Vermont—he has had to sit here and listen to some of which I don't think he agrees and some of which he might agree. I wonder whether or not—I could take another 15 minutes and then reserve the remainder of my time if my colleague wants to speak, or does he want to wait, or how would he like to proceed?

Mr. JEFFORDS. Mr. President, I have no intention at this time to speak. I will obviously at a later time. I will do it when it is appropriate. But I desire to expedite our situation so that we can get to the bill as soon as possible.

Mr. WELLSTONE. I thank my colleague.

Mr. President, I say to my colleague from Vermont, on my time, if he chooses to assent or disagree or remind me where I am wrong, please feel free to do

so. I extend the invitation. I was a teacher. I can easily fill up the next hour without any trouble.

Mr. President, before I go to after-school care, I would like to just one more time focus on why I think this Ed-Flex bill shouldn't even be in the Chamber. I have talked about what I think the flaws are with the legislation, but I also want to talk about what I think we should be talking about. I would like to just draw, if I could, on two experiences that I have had traveling the country that I think apply to this debate.

One of them which I have talked about once or twice before—it is very positive. It is not a putdown of anybody—took place in the delta in Mississippi, in Tunica, MS. I had traveled there because I wanted to spend some time in low-income communities around the country—South, North, East, West, rural, urban. And when I visited Tunica several years ago now, there was a teacher, Mr. Robert Hall, who I will never forget. It was at a town meeting, and he stood up and said it is hard to give students hope, and he talked about how—I don't know—I think maybe about 50 percent of the students graduated.

By the way, this young African American woman that I quoted I think in East St. Louis, who was talking about her school being segregated, actually in Tunica the case is that the public school is all black or African American, the private school is all white.

Anyway, at the end of this he asked me whether I would come back to speak, would I come next year for the graduation? I said yes, and I said yes not realizing that I had made a prior commitment. What are you going to do, you know, when you make a commitment like that? So I called and I said could I come the day before graduation, to at least get a chance to meet with the seniors, because I wanted to live up to my commitment. And he said yes. So I flew from Minneapolis down to Memphis and then was met, I think by Mr. Erikson, who was driving me to Tunica. This is one of my favorite stories.

I said, "Are we going to the high school?"

He said, "No. You are going to be addressing the third and fourth graders."

And I said, "I am going to be giving a policy address to the third and fourth graders?"

And he said, "Well, yes."

And I said, "Is this the last day of school?"

He said, "Well, yes."

I said, "So I am going to be giving a policy address to third and fourth graders on the last day of school?"

He said, "Well, yes."

I said, "I'm in trouble."

So we go to the elementary school. There are, I don't know, a hundred

kids, third and fourth graders, thereabouts, sitting in the chairs, waiting for me to give a policy address. And there is the PA system on the stage, which is high above where the students are, and the principal gives me a really nice introduction, and I am supposed to go up there and look down at these students and give them a policy address.

So I was trying to figure out what to do. I asked the principal, "Can I get down in the auditorium where the kids are?"

He said, "Sure."

So I got down there, and this little girl, thank God, made my class for me. I said, "Is this the last day of school?"

Everybody said, "Yes."

I said, "Well, what have you liked about school?"

And this one little girl raised her hand and she said, "Well, what I like about school is, if I do good in school, I can do really good things in my life." Something like that.

And I said, "Well, what do you want to be?" And I said to all the students, "What do you want to be?"

There were, Senator HUTCHINSON, 40 hands up. It was great. They had all sorts of dreams. I mean, quite a few of them wanted to be Michael Jordan—not a surprise. I heard everything: Teacher, writer, psychiatrist, Michael Jordan, on and on and on. But the thing of it is, there was that spark. It was beautiful. I know, as a former teacher, that you can take that spark of learning in a child, regardless of background, and if you ignite that spark of learning, that child can go on to a lifetime of creativity and accomplishment. Or you can pour cold water on that spark of learning. We are not doing anything here in Washington, DC, to help ignite that spark of learning. We are not.

Now, I feel a little uncomfortable saying that. Maybe I should say "precious little." We are doing precious little. I feel uncomfortable saying that, because Senator JEFFORDS is a Senator who is committed to education. I know that. I have a tremendous amount of respect for him. But I am talking, I say to my colleague, Senator JEFFORDS, in a more general way. I don't understand our priorities. I just don't understand our priorities. I am just sick and tired—to sort of again talk about Fanny Lou Hammer—of bills that are brought out here, people get the impression there is some big step forward, and when it comes to the investment of resources—some of which you fight for, this investment of resources—we do not do it. I just tell you, it is tragic.

For these kids and these schools all across the country, they are not saying: Give us Ed-Flex, give us Ed-Flex, give us Ed-Flex. They are saying: We want to have good teachers and smaller classes. We want to have good health care. We want to have an adequate diet. We want to go to schools that are

inviting places. We want to have hope. We want to be able to afford college. That is what they are saying. They are not talking about Ed-Flex.

The second point, and last one of my stories—true. I am going to shout this from the mountaintop. I get this time on the floor of the Senate because I insist this is what we should be talking about, and I will do everything I can, with amendments and bills, to bring this out here and force debates and votes and all the rest.

I hear this in the law enforcement community. We should hold kids accountable when they commit brutal crimes. We should hold people accountable when they commit brutal crimes. But we will build a million new prisons on present course. That is the fastest growing industry in the country. And we will fill them all up and we will never stop this cycle of violence unless we invest in the health and skills and intellect and character of our children. And we are not doing that in the U.S. Senate or in the U.S. House of Representatives. Certainly not with Ed-Flex.

Where do these kids wind up? They come to school way behind, they fall further behind, they don't have anywhere near the same opportunities to learn, and then they wind up in prison. I talked about this before. I think this will be the last time I will talk about it, except when we debate a bill which I introduced, the mental health juvenile justice bill. I visited a "correction facility" called Tallula Correction Facility in Tallula, MI. But I say to my colleagues from Arkansas, Louisiana, south—this could be anywhere in the country, anywhere in the country. And the Justice Department has had a pretty hard report about conditions in Georgia and Kentucky and some other States.

I see there are some young people here today in the gallery. What did I find in Tallula? The Tallula facility is a corrections facility for kids ages 11 to 18. I went to Tallula because I had read in the Justice Department report that there were kids who were in solitary confinement up to 7 weeks at a time, 23 hours a day, and I wanted to know what they had done for this to happen to them.

One young man, Travis, he is now 16, he went to Tallula when he was 13 for stealing a bike. He wound up there for 18 months, and he was beaten up over and over again. Tallula has had some lawsuits filed against it.

I went to the Tallula facility, and the first thing I noticed about the 550 kids was about 80 to 85 percent of them were African American. And then, when I met with some of the officials, I wanted to go to the solitary confinement cells and they wanted to take me to where the students were eating lunch—students—kids—young people. So we first started out to where they were

eating lunch and then we were going to go to these cells.

When I walked in, even with all these officials there, I asked some of these kids, "How are you doing?"

I will never forget, this one young man says to me, "Not well."

I say, "What do you mean?"

By this time, there were 30 officials looking at this kid. He said, "This food, we never eat this food. It's because you are here." He said, "These clothes? We never had clothes like this. They just gave us these shorts and T-shirts. We have been wearing the same smelly, dirty clothes day after day."

He said, "The tables are painted—smell the paint. It has just been painted."

Then I went outside and this one young man made a break from the guards, jumped onto a roof, and ran across the roof. It was about 100 degrees heat. And I said, "Why are you doing this? You are going to get in a lot of trouble." I looked up at him, walked up to the roof.

He said, "I want to make a statement."

I said, "What's your statement?"

He said, "This is a show, and when you leave here they are going to beat us up."

Well, the State of Louisiana has taken some action. This was privatized. There are lawsuits. There have been editorials about anarchy at Tallula. I will just tell you this. I will tell you this: 95 percent of these kids at Tallula had not committed a violent crime. I met one kid who had stolen a bike. I met one kid who was in there for breaking and entering. I did meet one kid who cut a kid in a fight with a knife. I forget the fourth kid. Mr. President, 95 percent of nonviolent crimes—that is about the case in all of these juvenile detention facilities.

I will tell you, Senator, I would be pleased to meet almost any of those kids at 10 o'clock at night before they got to Tallula. I would not want to meet any of them when they get out.

So let's not kid ourselves. These State budgets and Federal budgets that go to prisons and jails are just going to continue to skyrocket, and that is where a lot of young people are going to end up unless, from the very beginning of their lives, we figure out—at a community level, not a Federal Government level—how we are going to make sure that we make the investment in these kids. And that is something we should be doing in the Senate. But this bill does not do that.

Before I return to the final case I want to make on this specific bill, let me just read some figures. Mr. President, I would like to read a little bit about some facts on what is going on with kids after school. Twenty-two million school-aged children have working parents; that is, 62 percent of these children have parents who are

working. Children spend only 20 percent of their waking hours in school. The gap between the parents' work schedule and the students' school schedules can amount to 20 to 25 hours per week. That is from the Ann E. Casey Foundation.

Experts estimate that nearly 5 million school-aged children spend time without adult supervision during a typical week. An estimated 35 percent of 12-year-olds care for themselves regularly during afterschool hours when their parents are working.

What happens during out-of-school hours? Violent juvenile crime triples during the hours of 3 p.m. and 8 p.m. And 280 children are arrested for violent crimes every day. Children are most likely to be the victims of violent crime by a nonfamily member between 2 p.m. and 6 p.m.

Children without adult supervision are at a significantly greater risk of truancy from school, stress, receiving poor grades, risk-taking behavior, and substance abuse. Children who spend more hours on their own and begin self-care at younger ages are at increased risks. And I could footnote each and every one of these findings.

Children spend more of their discretionary time watching television than any other activity. Television viewing accounted for 25 percent of children's discretionary time in 1997, or 14 hours per week on average.

Facts about out-of-school programs: Almost 30 percent of public schools and 50 percent of private schools offered before- or afterschool care in 1993-1994. It is going up. But the General Accounting Office estimates that, for the year 2002, the current number of out-of-schooltime programs for school-aged children will meet as little as 25 percent of the demand in urban areas.

Mr. President, I could actually go on and on, but here is the point I want to make. The point I want to make is that if we want to pass legislation that makes a positive difference in the lives of children and helps parents raise their children decently—you know, what families are saying to us is: "Do what you can do to help us do our best by our kids." They are not talking about Ed-Flex.

What I am hearing from families in Minnesota—and I think it is the same for around the country—is: Look, we both have to work, or, I am a single parent, and I am working, and I am worried sick about where my child is after school. Can't you provide some funding?

Why doesn't the Ed-Flex bill talk about flexibility for schools and communities to have more resources for afterschool care? There is something positive we can do. I assume that maybe Senator BOXER or one of my colleagues will have an amendment and we will have a vote on this. Now, there is an educational initiative that will make a huge difference.

There is nothing more disheartening to a parent or parents than to know that both of you have to work but to also know that your second grader or your third grader or your 12-year-old or your 13-year-old is going home alone. Why don't we do something about that? We have all the evidence we need. We have all the evidence we need.

We know that this is the time when kids get into the most trouble. We know that in more and more of our working families both parents are working. We know this is one of the biggest concerns parents have, right alongside affordable child care. What we all ought to be doing by way of ed-flexibility is providing the resources for communities and for schools to make a difference.

By the way, Mr. President, I was mentioning television. For my colleagues who are worried about the violence that kids see on TV—and it is awful—you should just think about what they see in their homes. Every 15 seconds, a woman is battered. One of the things we ought to be doing, if we really want to do something that will make a difference for kids—and I have a piece of legislation I am introducing on this that I hope to get a lot of support on—is to provide some funding for partnerships between the schools and the other key actors in the community that will provide some help and assistance to kids who have seen this in their homes over and over and over again. That would make a big difference. That would make a big difference.

I said this last night. I think I need to say it again. I do not think I am being melodramatic when I say that we have two problems. We have a huge learning gap. That is what it is all about. And it is highly correlated with income and race and poverty and gender. But we also have—and I do not know what the right label is for this, but we have a lot of kids who, by the time they come to kindergarten or first grade, have seen so much in their lives, that children should not have to see and experience, that they are not going to be able to learn at all, even with small class sizes, even with really good teachers, even with really good facilities—none of which Ed-Flex deals with—unless there is some help for them. They need additional help. And you know what? They deserve it. They deserve it.

Mr. President, I am going to, I think, finish up where I started. Before I do that, I want to just read one other quote that is kind of interesting. This is from a woman Jonathan Kozol is talking to in his latest book he has written called "Amazing Grace." And I say to my colleague, I am not sure I should quote this because of the current circumstances, but I think it should be read. This woman lives in the community, South Bronx, the Mott

Haven community. And here is what she has to say. She is saying this to Jonathan Kozol, the author:

Do you ever turn on C-SPAN? You can see these rather shallow but smart people—

This is just her perspective—

most of them young and obviously privileged, going on and on with perky overconfidence about the values and failings of poor women, and you want to grab them in your hands and shake them.

It is like this young man I met at Center School, which is an alternative school in Minneapolis, in the Phillips neighborhood, about a month ago. This is kind of his last chance; he is a young African American man. I was having a discussion with 30 or 40 kids. There are a lot of Native American students there, as well. Actually, there are more Native American students. I was trying to be very honest with them. I said, I would like for you to answer one question for me. I am here because I really do care about you and I respect your judgment. A lot of these kids don't believe anybody values their opinions. They have very little self-confidence. I said to this one young African American man, a senior, "A lot of people say that you don't really care. The problem isn't the poverty of your family, the problem isn't the violence in the neighborhoods, the problem isn't that you haven't had the funding or the opportunities. The problem is you don't care. And that if you really cared, you would be able to do this. How do you respond to that?" He looked at me and he said, "Tell them to walk in my shoes."

I think that is what this woman was saying about her observations about what she sees on C-SPAN.

I conclude this way: I came to the floor of the U.S. Senate last night and I spent half an hour speaking. I have come to the floor of the U.S. Senate today and I have spent several hours speaking about the Ed-Flex bill. I have been strong and maybe harsh in my comments. I do not mean them to be personal at all. I have gone out of my way to say, because I think it is true—I wouldn't say it if I didn't think it was true.

It happens that the Senator from Vermont is out here managing the bill, and I consider him to be a Senator who cares a great deal about education and children. I know what he has done right here in Washington, DC.

What deeply troubles me about what is going on here in the U.S. Senate, which is why I have tried to the best of my ability—and I will have amendments, as well—to say, wait a minute, we have a piece of legislation, and I can see the spinning and I can see the hype. It has a great name: Ed-Flex. It has a great slogan: "Get the bureaucrats out, let the States decide." But I can see this piece of legislation represented as a piece of legislation that is a major educational initiative for children in our country. I have tried to make it

crystal clear that is quite to the contrary.

I say to my colleague from Arkansas that I will be finished in a minute or two. If he chooses to debate, I will be glad to do that. Is he standing to speak?

Mr. HUTCHINSON. You earlier said you might yield for a question.

Mr. WELLSTONE. If I could finish this thought, I am pleased to yield for a question. In fact, that might be a welcome relief from hearing myself speak. I am pleased to take a question or whatever criticism that the Senator might want to throw my way.

This piece of legislation isn't going to do anything that is going to make a significant difference in assuring educational opportunities for all of our children in our country. It won't. This particular piece of legislation is not going to meet the standard, which is the most important standard that I believe in more than anything else. I say to my colleague from Arkansas: I think every infant, every child, ought to have the same chance to reach his or her full potential.

This legislation doesn't make any real difference. This legislation doesn't point us in the direction of making a commitment to early childhood development, to making a commitment to communities so that kids can come to school, ready to learn. This piece of legislation doesn't fully fund Head Start. This piece of legislation doesn't provide the funding for nutrition programs for children, many of whom are hungry. Quite to the contrary. We put into effect a 20-percent cut in the Food Stamp Program by the year 2002. This piece of legislation doesn't do anything that will change the concerns and circumstances of these children's lives before they go to school and when they go home. This piece of legislation doesn't do anything to effect smaller class size, to repair or rebuild our crumbling schools, to help us recruit over the next 10 years 2 million teachers, who we will need, as the best and the most creative teachers. This piece of legislation does absolutely nothing that will in a positive way affect the conditions that have the most to do with whether or not each and every child in our country will truly have the same opportunity to be all he or she can be.

Moreover, to summarize, this piece of legislation turns the clock backwards. This piece of legislation takes the good work of the 1994 reauthorization bill, which will assure that the allocation of funds first goes to those schools with a 75 percent low-income population or more, and tosses it overboard. This piece of legislation in its present form—and to me this may be the biggest issue of all about this piece of legislation. I think other bills should be on the floor that make a difference, but if we are going to pass this piece of leg-

islation, at least let's make sure we have flexibility with accountability. That means that the basic core requirements of title I on well-qualified teachers, high standards testing, measuring results and knowing how we are doing are fenced in. In no way, shape or form, with all the flexibility in the world, will any State or school district be exempt from meeting those requirements.

I say to my colleague from Arkansas, I am pleased to yield for a question.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Arkansas.

Mr. HUTCHINSON. I did have a question for the Senator from Minnesota, but if the Senator is about to conclude, I know there will be plenty of debate and time to debate, so I don't want to further hold up proceeding on the bill. I thank the Senator for yielding.

Mr. WELLSTONE. I will yield the floor in just a moment. I appreciate my colleague's courtesy. The C-SPAN quote, just so it is in the RECORD, was from a Mrs. Elizabeth Washington of the Mott Haven community in the South Bronx.

Mr. JEFFORDS. Will the Senator yield?

Mr. WELLSTONE. I yield.

Mr. JEFFORDS. The Senator from Oregon is desirous of speaking for 15 minutes.

Mr. WELLSTONE. How about if I reserve the remainder of my time? I will reserve the remainder of my time, and if the Senator from Oregon wants to speak, that would be fine with me. How much time do I have left?

The PRESIDING OFFICER. The Senator has 57 minutes.

Mr. JEFFORDS. Would the Senator mind yielding his time to the Senator?

Mr. WELLSTONE. Fifteen minutes of my time? I would be pleased to do that.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 15 minutes.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, I am sure that many Americans who are watching this debate hear the words "Ed-Flex" and wonder what in the world is the U.S. Senate talking about? My guess is that we probably have some folks thinking that Ed-Flex is the new guy who has been hired to run the aerobics class at the local health club. But since my home State of Oregon was the first to receive an Ed-Flex waiver, I would like to take a few minutes to tell the U.S. Senate why Ed-Flex makes a real difference and especially why it has been a valuable tool to improve the lives of poor children.

To begin with, Ed-Flex represents a new approach in Federal-State relations. Right now, there are two schools of thought on the relationship of Washington, DC, to the States. One side says everything ought to be run at the Federal level, because folks locally can't

be trusted to meet the needs of low-income people. The other side says the local folks ought to be able to do it all, because everything the Federal Government touches turns to toxic waste.

Ed-Flex represents a third-wave approach, and we have pioneered it in a variety of areas, including health, welfare and the environment, and now in education, in addition.

We told the Federal Government in each of these areas that we will meet the core requirements of Federal law. The Federal Government ought to hold us accountable, but, at the same time, the Federal Government ought to give us the flexibility to make sure that we can really meet the needs of our citizens—in this case, the poor children—rather than building up bureaucracy.

Ed-Flex has been good for students, but especially good for poor students. There are no examples of abuse, Mr. President—not one. We have asked the opponents of this legislation to give us even a scintilla of evidence of an abuse, and they cannot cite one example for a program that has been used in 12 States. But I will tell you there are plenty of examples where this program has worked for poor children.

In Maryland, one low-income school used Ed-Flex to reduce class size. Class size dropped under this Ed-Flex program from 25 students to 12. And the last time I looked, a fair number of Members of the U.S. Senate wanted to see class size drop.

In our home State, Ed-Flex helps low-income high school students take advanced computer courses at the community college. Before the waiver, Federal rules would only allow high school students to take computer courses offered at the high school. If a student wanted to take an advanced computer course, but the school didn't have the equipment or the people to teach advanced computing, those poor kids were out of luck. But we found a community college that was just a short distance away with an Ed-Flex waiver where we could take the dollars that would have been wasted because there were no facilities at the high school, and the poor kids learned at the community college. No muss, no fuss. But we did what the Federal Government ought to be trying to do, which is to help poor children.

In Massachusetts, a school with many low-income kids who are doing poorly in math and reading received title I funds in 1997; but they were denied title I funds the next year because of a technicality. This meant that low-income children who were getting special help with title I funds in 1997 could not get those funds in 1998 for one reason, and that was bureaucratic red tape. But when they got an Ed-Flex waiver, they could use the dollars to serve low-income children and make sure that they could use that help until they had addressed the mission of the program.

Ed-Flex doesn't serve fewer poor kids; it serves more of them, and it serves them better.

In the State of Texas, the State has used Ed-Flex, and the achievement scores confirm that Ed-Flex has improved academic performance. After only 2 years under the waiver, statewide results on the Texas assessment of academic skills shows that schools using Ed-Flex are outperforming the districts that aren't. These are poor school districts with low-income children, and reading and math scores are rising using Ed-Flex. At one high-poverty elementary school, student performance improved almost 23 percent over the 1996 math test scores; 82 percent of them passed. The statewide average was only 64 percent. Poor kids did better. Poor kids did better under Ed-Flex.

Now, this legislation protects the poor in other important ways. The civil rights laws, the labor laws, safety laws, all of the core Federal protections for the vulnerable, are not touched in any way. The Secretary of Education has complete authority to revoke a waiver if title I requirements are not met. Under current law, a State must have a plan to comply with title I. This legislation requires a plan as well.

Let me outline a number of specific protections that pertain to the poor in this legislation. First, under current law, title I funds can only be used in school districts that are for the low-income. Our legislation keeps this requirement. You cannot get an Ed-Flex waiver and move it out of a low-income school district to somewhere else. You have to use those dollars in a low-income school district. They can't be moved elsewhere.

Second, not only does the legislation keep the core requirements of title I, it strengthens them. For example, under current law, States are not required to evaluate whether they are meeting title I goals until 2001. Ed-Flex says to the States: Why should you wait for 2 years to show that you are serving the poor and disadvantaged? Develop high standards for serving the poor now, demonstrate that you meet the accountability requirements, and put more education dollars in the classroom to serve poor kids and their families now, rather than waiting until 2001.

Now, opponents of Ed-Flex have not been able to offer any examples—not even one—of how the flexibility waivers have been abused, and that is because the Secretary of Education has watch-dogged these Ed-Flex waivers; and we can cite examples of how it works, and they can't cite any examples of how it has been abused. That is why the Education and Labor Committee in the last Congress approved this legislation by a 17-1 bipartisan vote.

Senator KENNEDY, the ranking member of the committee, said,

Under Ed-Flex, the Secretary of Education allows Massachusetts and other States to waive Federal regulations and statutory requirements that impede State and local efforts to improve learning and teaching. With that flexibility comes stronger accountability to improve student achievement.

Since that time, since those eloquent words of Senator KENNEDY, in a 17-1 vote in the Labor Committee, after lengthy debate, the sponsors felt that it was important to work with those who have had reservations about this legislation, and we have made six additional changes in the legislation to strengthen a bill that had virtual unanimous bipartisan support. We have strengthened the requirements for public participation so that there is public notice. We put in place a requirement that States include specific, measurable goals, which include student performance, a requirement that the Secretary report to the Congress after 2 years on how Ed-Flex States are doing. The Secretary must include how the waiver is affecting student performance, what Federal and State laws are being waived, and how the waiver is affecting the overall State and local reform efforts.

There is a requirement that the Secretary review State content and performance standards twice, once when deciding if the State is eligible to participate and again when deciding whether or not to grant approval for a waiver. This is to make sure that there is no compromising title I. The Secretary of Education reviews twice whether or not to go forward with an Ed-Flex waiver.

We have always altered the legislation to ensure that local review cannot be waived under Ed-Flex; that is, any school or school district receiving title I funds is still subject to punishment and still has to answer to a local review board. Those provisions that protect the poor cannot be waived.

Mr. President, it is no accident that every Governor, every Democratic Governor, believes this will be a valuable tool to them to make existing programs work better.

I think the Senator from Minnesota has made an important point in talking about how additional dollars are needed for some of these key programs to serve the poor. But the best way to generate support for that approach is to show that you are using the dollars that you get today wisely. That is what Ed-Flex allows. It is a fresh, creative approach to Federal-State relations, one that has enormous potential for improving the delivery of services to the poor and all Americans.

So I say to the Senate that we have a chance to take a new, creative path with respect to Federal and State relations where one side says all the answers reside in Washington, DC, and the other side says, no, they all reside at the local level. The third path that is being taken by Ed-Flex, that is being

taken by my State in health, in welfare, in the environment, says to the Federal Government: At the local level, we will meet the requirements of Federal law, Federal education law. We will be held accountable. But in return for holding us accountable, give us the flexibility so that we can ensure that we come up with solutions that work for Coos Bay, OR, and The Dalles, OR, and you don't take a "one-size-fits-all" cookie-cutter approach and say that what is done in the Bronx is what is going to work in rural Oregon.

Before I wrap up, I would like to pay a special tribute to our former colleague, Senator Hatfield. I served in the House when Senator Hatfield took the lead in 1994, working with Senator KENNEDY and others, to promote this approach. In my view, his record alone, standing for years and years for civil rights laws, for health laws and safety laws, would suggest that there is a commitment by the sponsors of this legislation to ensure that this helps the poor, not hurts the poor.

If there was one example, Mr. President, even one, of how an Ed-Flex waiver has harmed the poor, I know I would immediately move to address that and to ensure that our legislation didn't allow it. But we have no examples of how in any of those States the poor have been exploited or taken advantage of. We have plenty of examples of how Ed-Flex has worked in Texas where the scores have gone up, in Maryland where it has reduced class size, in Oregon where poor kids who couldn't get advanced computing under the status quo were able to use Ed-Flex dollars to get those skills that are so critical to a high-skill, high-wage job.

So I urge the Senate today to vote for the motion to proceed, vote for the bill, empower the communities across this country to earn the right to use Federal education dollars to serve the vulnerable in our society most effectively. This is not the sole answer to what is needed to improve education, public education, in our country, but it is an important step, because it shows the people of the country that we can use existing Federal funds more effectively, that we can be more innovative in serving poor kids. It seems to me that step does a tremendous amount to lay the foundation to garner public support for areas where we need additional funds.

We are going to need additional funds for a number of these key areas that the Senator from Minnesota is right to touch on. But let's show the taxpayer that we are using existing dollars effectively, as we have done in Oregon, as we have done in Texas, as we have done in Massachusetts, in line with objectives that, as far as I can tell, are widely supported on both sides of the aisle.

I see the Senator from Tennessee has joined as well, and the Senator from Minnesota was kind enough to give me

time from his allocation. I would just wrap up by thanking the Senator from Minnesota and also say that I very much appreciated working with the Senator from Tennessee on this legislation. I think it is clear that the country wants to see the U.S. Senate work in a bipartisan way on this legislation.

This bill had exhaustive hearings in the Senate Budget Task Force on Education. It was debated at length in the Education and Labor Committee, where it won on a 17-to-1 vote in the last session of the Senate. Since that time, as I have outlined in my presentation, additional changes have been made to promote accountability.

I urge my colleagues to support the legislation.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will take about 5 or 10 minutes, and then I will yield back the rest of my time. I have had several hours. I say to my colleague from Tennessee that I will yield back my time because I have to give a talk with law enforcement people in Minnesota via video.

There are some students from Minnesota who are here. Welcome. We are glad you are here, and teachers and parents.

Let me just make three points.

First of all, although we will have tougher debate later on, I say to my colleague from Oregon, we certainly didn't have any lengthy debate on Ed-Flex this Congress. We never had a hearing—not one hearing at all. When my colleague says they can't talk about any abuses, the fact of the matter is that both the Congressional Research Service and GAO—I am not prejudging one way or other, but it is difficult to talk about what is going on—both have said we don't have the data in yet. We don't have the data in. What is the rush? I might have a different judgment about this on the basis—I don't know whether I will generalize 12 States to 50 States, but I certainly might be less skeptical if in fact we had the data and if we had the reports in. We don't. But we are rushing ahead.

The second point I want to make is that my colleague talks about the "core" requirements. Certainly it is true that, with IDEA, the core requirements are kept intact. But as a matter of fact, we will see that the truth will be very clear with this amendment. I will have an amendment on the floor, and it will simply say that the core requirements are that title I students be taught by highly qualified professional staff, that States set high standards for all children, that States provide funding to the lowest income schools first, that States hold schools accountable for making substantial annual progress toward getting all students, particu-

larly low-income and limited-English-proficient students, to meet high standards, and that the vocational programs provide broad education and work experiences rather than their own job training. I will have an amendment that says those core requirements will be fenced off and no State or school district will be exempt.

Can my colleagues tell me that that is the case right now? If so, then that amendment will pass with overwhelming support. Right now, that is not in the bill. Do you have language in the bill that guarantees that all those requirements will be met?

Mr. WYDEN. Yes. I think your amendment is OK.

Mr. WELLSTONE. Do both my colleagues agree? Lord, we don't even have to have a debate on it.

Mr. FRIST. Mr. President, I would be happy to respond.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, clearly, we would like to get to the bill, and we can actually talk about what is in the bill. The bill has not been, as you know, introduced in the managers' package. And I hope that, although the morning hour has been reduced, we can get to the bill and discuss what is in it or not.

For a State to become a title I State, in both existing law as well as what we will have in our bill, you have to have the full complement of title I requirements, which will be spelled out.

You can't be an Ed-Flex State both today and in the future law. So is it in the bill? Because you can't be eligible unless they are actually in. For the very specific things, if we could introduce it, there is a whole list of accountability clauses I would like to get to after we introduce the bill formally, if we could do that, talk about the core principles and the protections and the accountability.

Mr. WELLSTONE. I say to my colleague, this amendment will say that States cannot waive the following core requirements. These have been the core requirements of title I.

Would my colleague agree that States will not be able to waive these core requirements?

Mr. FRIST. I have not seen the core requirements. I didn't hear what the core requirements are specifically. But if you would allow us to proceed to the bill at some point, at the appropriate time—right now, as you know, we have given the Senator the last 3 hours so he can make these points. We are ready to go to the bill, introduce to America a great Ed-Flex bill, as soon as the Senator is finished.

Mr. WELLSTONE. Just to be clear, I get a different message from my two colleagues here. This is where the rubber meets the road. I spent a lot of time on what Ed-Flex doesn't do and what we should be doing. My point

right now is that every single person I know who has worked on title I and knows what it is all about is absolutely committed and insistent that the core requirements be fenced in, remain intact, and no State can get a waiver, no school district can get a waiver. I am asking the Senator whether he agrees. If the Senator agrees, this certainly makes it a far better bill than it is right now.

And my second question is, What about the 75 percent rule? That is a core requirement right now. We worked that in in 1994. Would both of my colleagues agree that schools with 75 percent low-income students or more should be first priority in funding and that we keep that in as a requirement, so that we don't lessen the financial aid to the neediest schools? Would you agree? Could I get support for that right now?

Mr. FRIST. I would respond to my distinguished colleague from Minnesota, that if we could introduce the bill and discuss the bill before specific amendments—right now we have not had the opportunity because of these delaying tactics, which is what they are, so the Senator would have the opportunity to have 3 hours to lay everything out—if the Senator would just allow us to at least bring this bill to the floor at some time so we can discuss and formally debate and read the amendments—he is talking about an amendment which I have not seen. I haven't had the opportunity to see it. The Senator hasn't presented it. It is a little bit strange to be debating specific amendments and principles to amendments before the bill is introduced.

So let me just make a plea to the Senator to allow this bill to be formally introduced, debated, amendment by amendment, if the Senator would like, and I think that is appropriate, but we can't do it unless the Senator allows consideration of this bill. Right now it is important for the American people to understand that we, because of what is going on right now and what we are hearing, cannot proceed until the Senator from Minnesota allows us to proceed with the underlying bill.

So I will just ask, Is the Senator going to allow us to proceed to address the Ed-Flex bill?

Mr. WELLSTONE. Mr. President, my colleague, first of all, well knows that we are going to be allowed to proceed, because I asked for several hours and I have about used up my time. So we are going to proceed.

My colleague already knows that, so there is no reason to press, to make the case. With all due respect, we could have a discussion about these issues right now. We can have the discussion about them later on. I have spent a considerable amount of time pointing out right now that in the bill, as it reads, States can receive a waiver from

these basic core requirements of title I. I want to make sure we have the strictest accountability measures to make sure that will not happen. I have pointed out that right now, as the bill currently stands, States can receive a waiver from the 75-percent requirement.

Mr. WYDEN. Will the Senator yield?

Mr. WELLSTONE. I want to make sure that doesn't happen.

I will be pleased to yield. In fact, I literally have to leave in a minute.

Mr. WYDEN. This will be only 30 seconds.

On page 12, line 12 of the bill, it states, and I quote:

The Secretary may not waive any statutory or regulatory requirement of the program.

Point blank. You cannot waive any of the core requirements. I thank the Senator for yielding.

Mr. WELLSTONE. Mr. President, I would say to my colleague from Oregon, that if we have the same interpretation—and we will see; I get a somewhat different reaction from my colleague from Tennessee—I will have an amendment with clear language that lists those core requirements and makes it crystal clear that they are fenced in and that no State or school district can receive any waiver on those requirements, in which case that will be some good accountability, in which case I would expect full support for it. My interpretation is a different one. If you are right that we already have the ironclad guarantees, then this amendment should pass with 100 votes.

Mr. President, let me simply thank my colleagues. We don't agree, but I think it was important to have the opportunity to speak about this bill and give it, I think, a wide context and to speak to what I think are the flaws. We are going to have a spirited debate with any number of amendments, and I hope ultimately this ends up being a very positive piece of legislation that will make a positive difference in the lives of children. In its present shape and form, it does not do that. And we will have a major debate.

I will yield back the remainder of my time, and I say to my colleagues, I will not be asking for the yeas and nays. We can just have a voice vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I would like to very briefly respond to a couple of points that have been made over the course of this morning.

The distinguished Senator from Minnesota has made a number of points in

outlining his view of what needs to be done with education in this country as we go forward. His time was delegated to him so that he would have that opportunity, although a lot of us are anxiously waiting to get to the bill itself, the Ed-Flex bill, which is the subject of our debate over the course of today, tonight and tomorrow, and probably the next several days.

First of all, he has outlined many of the challenges that we do have in education today. The great thing about this whole debate is that whether it is his intentions or my intentions or the intentions of the Senator from Oregon, it really is to address the fundamental issues of education, of really making sure that our children today, and in future generations, are best prepared. And they are not today. We all have come to that conclusion. Parents recognize that and principals understand that, and teachers and school boards and Governors, and all the various groups that we will hear about.

That is the great thing, that as the No. 1 agenda item coming out of this Congress and the Senate, we are addressing education. Let me say that the approach is going to be different. There won't be a lot of heated debate. What needs to be protected, which programs to address, how to address them, how much control does the Federal Government have, how much control do the local communities have or do parents have or do Governors have, that will be the subject of much of the debate that we will hear.

A second big issue is flexibility. People on both sides of the aisle are so well intentioned, and we all have our favorite education program and we think that that program might be the silver bullet, but we all know that there is no single silver bullet as we address this whole issue of educating our young people, preparing them for that next century.

Let me say that right coming out of the box, before we even introduce this bill formally, which I think will be done early this afternoon: This bill is no silver bullet either. It does address the basic principles. It is not a series of programs that are well intended that may cost money, that may be very good in and of themselves, but it sets that principle that does allow more flexibility, more creativity, more innovation in accomplishing the goals that most of us agree to. This bill does not change the resources going in, nor does it change the goals, but it does reorder our thinking of how to get from those resources to those goals. And what it does, it drops the barriers with strong accountability.

When we talk about flexibility and we talk about accountability, that is what this bill does. Not the resources, not yet; we are going to have that argument over the course of the year with what is called—we will all become

very familiar with it—the ESEA, the Elementary and Secondary Education Act. There is an ongoing discussion right now in Senator JEFFORDS' committee, the Health, Education, Labor, and Pensions Committee. That is ongoing and hearings will be held and that is where we will be looking at all these multiple well-intended programs. We will be looking at all the resources going into education. Is it too little? Is it too much? Should we divert certain of those resources to certain programs?

That is not what we are doing today or tomorrow in the Ed-Flex, the Frist-Wyden Ed-Flex. That is not what we are doing. We are looking at how to streamline the system, make more efficient use of those resources, trust our local schools and local teachers and local principals who can identify specific needs in order to improve education, and make sure those resources are used in the appropriate way to meet the goals that we all lay out. That is an important concept, because a lot of these amendments that are being proposed, principally on the other side of the aisle and maybe solely on the other side of the aisle, will be to make some good, strong points that this program is great. You will hear me and others say let's consider all of those issues, but we need to consider them in the context of what we are doing with education totally and that is not what this bill is all about. This is about the Education Flexibility Partnership Act, the Ed-Flex Act.

I want to begin with that because it does set the overall environment in which this debate can most intelligently be carried out. Without that, we are going to drop into these whirls of rhetoric: Although this program will really turn things around—and we all should recognize right up front we cannot look just at rhetoric.

I heard three points over the last 3 hours that my colleague from Minnesota mentioned. No. 1, we are rushing through this thing and we are trying to jam it through the U.S. Senate and thrust it upon the American people. You hear these words "rushing it through, rushing it through." The second point he seemed to make this morning was that in some way Ed-Flex hurts poor children. And then he said there is no data, there is no evidence, there is no information; let's wait until we generate some information before we go forward. In some way it hurts poor children, that was almost the theme. So I think we need to respond to that and move on and look at the great things this bill does.

The third point he made is that our bill does not address a lot of specific programs that he would like to address, and it is nutrition needs and it is Head Start and a lot of afterschool programs and a lot of programs which are very important to education and need to be discussed. We need to go back and

evaluate. But that is not what Ed-Flex is intended to do. That is not what the Ed-Flex bill is all about.

What we have is a bill that was generated by myself and Senator WYDEN, who just spoke on the floor, that is a bipartisan bill that represents strong support with all 50 Governors—every State Governor is supporting this piece of legislation. It is bipartisan, symbolically, because it is RON WYDEN and BILL FRIST out there who have been working on this bill for the past year.

We will talk, after the bill is introduced, about the broad support that it has. But we all know the President said last week: Let's pass Ed-Flex this week. The Department of Education has been very supportive of this bill throughout. Unfortunately, I think what we heard this morning may be a prelude to what we can expect, and that is going to be a series of programs which have billion-dollar price tags, million-dollar price tags, that will be billed as the best program out there. And some of those programs are really going to appeal to our colleagues and to people listening to this debate. They will say: Yes, things like more teachers and construction and all would be good, and they are very concrete and real. Again, we are going to look at those later.

Real quickly, as we go through, are we rushing this through? Let's make very clear that we are not rushing this through. We addressed this in the committee, the appropriate committee of Health, Education, Labor, and Pension, which is the former Labor Committee. Senator JEFFORDS will be managing this bill with me. He has been very thoughtful, and over the period of time through a number of different discussions, we have debated the bill, we marked this bill up—again, that is terminology inside this room—but that means we have discussed this bill, we have debated these amendments, many of them, both last year when it sailed through the committee we debated each of these issues and then again this year.

It is important for the American people to understand that, yes, this particular bill passed last year 17 to 1; that one person, that colleague we have heard from this morning and I am sure we will hear from again and again. But recognize it passed 17 to 1. We ran out of time at the end of the last Congress. It came back through the committee and was marked up just several weeks ago and, again, was passed out and sent to the floor.

The General Accounting Office study which has been cited, which will be referred to—again, I will have to turn to my colleague, Senator WYDEN, and say thank you. He is the one who initially requested that, the initial request to GAO which came back with the report, and out of the report we have been able to see great benefits and also some of

the areas in which we need to strengthen our legislation, which we have done so we can go ahead and move ahead with that flexibility and accountability.

Then “rushing this through,” when you think about most of the education we address here, we have not had an experience of 5 years. Remember, this is a demonstration project today. There are 12 States that have Ed-Flex—passed in 1994 with six States; another six States added on to that. So we have a 5-year experience in 12 different States with this program already. So, yes, we know that it works. So, are we rushing it through? You can just move that argument right to the side.

No. 2, it hurts poor children? This is remarkable because it was really the theme of this morning: In some way, Ed-Flex hurts poor children. Let me just look to some outside groups who have looked at this.

If you refer back to the chart behind me, it is the report of the Citizens' Commission on Civil Rights, a wonderful report that may be referred to several times in the course of the next several days, issued in the fall of this past year, and they hit right at the heart. Really, I think we can just move on, almost:

In the Citizens' Commission's judgment, these waivers did not seriously undermine the statute's intent to target aid to poor children.

Then, if we look for hard data, again we have heard all this rhetoric about, “Oh, we have a potential for hurting poor children; we have the potential for this.” Clearly, you can create hypotheticals in any piece of legislation, in any statute, any regulation, and politicians are pretty good at it. We can create hypotheticals and say if this were to happen it would destroy education and so forth. My approach is a little bit more the scientist.

Before coming to the Senate, I spent time looking at data and that scientific, analytical mind may interfere with some things, but it does cause me to ask the question: What data do we have? What is the hard data and what is the evidence? And let me just look at some of the areas that were mentioned.

Texas, which has a very successful Ed-Flex program, has accumulated some representative data which looks at three different areas. It is going to be hard to read, but at the top it looks at African American students; beneath that it looks at Hispanic students; and beneath that it looks at economically disadvantaged students.

The far left column shows 1996, the next column over shows 1997. The column I want to concentrate on is, “Actual change.” Remember, this is hard data, looking at a State that compared Ed-Flex to non-Ed-Flex.

If you look at that middle column—let me just drop right down to the bottom where it says “Economically Disadvantaged Students.”

In 1996—this is for mathematics. This is a statewide comparison of selected campuses in title I, part A. Title I is the disadvantaged students element which we heard so much about this morning. We see in those States, like Westlawn Elementary, La Marque ISD, with the title I schoolwide waiver, in that column we see an improvement of 16.8 percent. These are just with the disadvantaged students. The statewide average was an improvement of 8 percent.

Thus, for those disadvantaged students, if you compare the Ed-Flex program, we see that students improved twice as much in the very population that we hear this rhetorical concern about. Again, this is hard data, representative data.

We look at African American students compared to the statewide average. In the Ed-Flex, African American students at Westlawn Elementary, we see they improved by 22 percent; statewide average, 9 percent—again, more than a doubling of improvement in the Ed-Flex schoolwide waiver program.

Halfway down you see Hispanic students. Again, if you take the entity of Westlawn, you see an improvement of 16 percent versus 7.9 percent—again, that Ed-Flex school doing twice as well under a schoolwide waiver as they would otherwise do. And this is representative data. Again, once we get to the bill, you will see.

So we see that the Commission on Civil Rights—we see hard data. There are other examples from Massachusetts we will hear about.

And then I guess really the fundamental thing I will come back to later is, our bill can't hurt poor children, because the dollars have to be used. Going back to my earlier comments, we do not change the dollars and we did not change the ultimate goals in the targeted population. Our bill does not do that. So by law, if you are targeted for this population, the money and the programs have to go there. How you get there is where the flexibility comes in.

One last point I referred to, which was his last point, was that we are not addressing nutrition and other well-meaning programs, again, that we will hear paraded out. Let me just say that is not the intent of this bill. We can discuss them. We can introduce them. Those sorts of issues will be discussed in the chairman's committee appropriately, where they can be debated, where we can consider all of the resources, all of the programs, recognizing there is not one single silver bullet to cure education, the challenges of education. The Elementary and Secondary Education Act is the appropriate forum that this body has to consider these issues.

With that, I thank you for this opportunity to speak and thank the chairman for yielding time.

Mr. JEFFORDS. Mr. President, I understand the Senator from Oregon desires some time.

Mr. WYDEN. I thank the Senator from Vermont. I could wrap up very briefly, even in, say, 5 minutes.

Mr. JEFFORDS. I yield to the Senator 5 minutes.

Mr. WYDEN. I thank the chairman.

Senator FRIST has said it very well. Mr. President, and colleagues, all we want to do under Ed-Flex is to make sure that these dollars get into the classroom to help poor kids and not get chewed up by bureaucratic redtape.

Ed-Flex is not a block grant program. It is not a voucher kind of scheme. The people who are advocating Ed-Flex in my home State of Oregon do not want a Federal education program to go away. Quite the contrary, they want those programs. They know that we need those dollars to serve low-income students. What we want is, we want some freedom from some of the Federal water torture and bureaucratic redtape that so often keeps us from using those dollars to better serve the poor.

I would just hope, Mr. President, and colleagues, that during the course of the afternoon colleagues look at the requirements that protect the poor families and the poor children that cannot be waived under the Ed-Flex statute. Specifically, it is not possible to get a waiver if you are trying to waive the underlying programs of each of the critical services that is made possible under title I. You cannot do it. And as I stated earlier, you can only use those dollars in a low-income school district; you cannot move those dollars out of a low-income school district and take them somewhere else.

So there is a reason for the Governors and all of the Democratic Governors supporting this legislation. I happen to have some sympathy for the Senator from Minnesota about the need for additional dollars for a variety of human services. But the best way to win support for that additional funding is to show that you are using existing dollars well and effectively. That is what Ed-Flex does.

I am very pleased to have had a chance to team up with Senator FRIST of Tennessee who has worked very hard to bring both parties together. And I thank the Senator from Vermont for the time.

I yield the floor, Mr. President.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I yield back all our remaining committee time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion to proceed.

The motion was agreed to.

EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment on page 11, line 22, to strike "Part A", and insert in lieu thereof "Part B."

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the pending committee amendment be agreed to and be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

AMENDMENT NO. 31

(Purpose: To improve the bill)

Mr. JEFFORDS. I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 31.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. JEFFORDS. Today, Mr. President, we are taking up what I would call "unfinished business" from last Congress. Our bipartisan efforts in the last Congress resulted in nearly 30 public laws, about a third of them in the area of education. However, there was one bill that was reported from the Health and Education Committee with broad bipartisan support, the Ed-Flex bill, that was not enacted into law.

A year ago, the President told the Nation's Governors that passage of this legislation—and I quote him—"would dramatically reduce the regulatory burden of the federal government on the states in the area of education."

Six months ago, Secretary Riley wrote me to reiterate the administration's support for the Ed-Flex bill and urged its passage. The Senate Health and Education Committee heeded his advice and passed it with only one dissenting vote.

The National Governors' Association, under the chairmanship of Governor Carper from Delaware, has strongly urged the Congress to pass Ed-Flex this year.

Last November, the General Accounting Office looked at this program in detail, both at the dozen States that now participate in the Ed-Flex pro-

gram and the 38 that potentially could participate under this legislation. It found that views among the current States varied, but it was seen as modestly helpful.

It would be a gross overstatement to suggest that this bill will revolutionize education. It will be a sensible step in making our limited resources go further toward the goal of improving our education delivery system.

The Department of Education, under the leadership of Secretary Riley, has stated that Ed-Flex authority will help States in "removing potential regulatory barriers to the successful implementation of comprehensive school reform initiatives".

I would like to take a moment to briefly review the history of Ed-Flex. The original Ed-Flex legislation was first conceived by former Senator Mark Hatfield, as many of us know, an individual deeply committed to improving education. His proposal had its roots in his home State of Oregon which has long been a role model in education.

Under Ed-Flex, the Department of Education gives a State some authority to grant waivers within a State, giving each State the ability to make decisions about whether some school districts may be granted waivers pertaining to certain Federal requirements.

It is very important to note that States cannot waive any Federal regulatory or statutory requirements relating to health and safety, civil rights, maintenance of effort, comparability of services, equitable participation of students and professional staff in private schools, parental participation and involvement, and distribution of funds to State or local education agencies. They have no authority to waive any of those.

The 1994 legislation authorized six Ed-Flex states, three designations were to be awarded to states with populations of 3.5 million or greater and 3 were to be granted to states with populations less than 3.5 million.

These states were not chosen randomly nor quickly—the selection process was 2 and one-half years in duration. The Department of Education sent out a notice and a state interested in participating in Ed-Flex submitted an application.

In the application, each interested state was required to describe how it would use its waiver authority, including how it would evaluate waiver applications from local school districts and how it would ensure accountability.

The original six are: Kansas, Massachusetts, Ohio, Oregon, Texas, and my home State of Vermont. Another six states came on board between May 1996 and July 1997. Those additional states are: Colorado, Illinois, Iowa, Maryland, Michigan, and New Mexico.

Vermont has used its Ed-Flex authority to improve Title One services, particularly improving services for those